

BILL ANALYSIS

Senate Research Center
84R21167 TSR-F

H.B. 1640
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Veteran Affairs & Military Installations
5/11/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that preventing the encroachment of military installations has become one of the top priorities of the United States Department of Defense. These parties assert that, in order to ensure the military's ability to maintain operational readiness in defense of the nation, it is necessary to facilitate compatible land use between military installations and adjacent communities. H.B. 1640 seeks to facilitate such land use and help preserve the readiness of military installations within certain counties alongside the growth and expansion of those defense communities.

H.B. 1640 amends current law relating to the compatibility of certain defense community regulations and structures with military operations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 397.005, Local Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Requires a defense community that proposes to adopt or amend an ordinance, rule, or plan that would be applicable in a controlled compatible land use area as defined by Section 241.003 (Definitions) and that may impact base operations to notify the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. Provides that this subsection applies only to a defense community that has not adopted airport zoning regulations under Chapter 241 (Municipal and County Zoning Authority Around Airports) and that:

- (1) is a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides;
- (2) is a county with a population of 130,000 or more that is adjacent to a county described by Subdivision (1);
- (3) is located in a county described by Subdivision (1) or (2); or
- (4) is or includes a municipality that is located in a county with a population of more than 130,000 that borders the Red River.

(d) Authorizes a defense community described by Subsection (c) to enter into a memorandum of agreement with the military base or defense facility to establish a smaller area in the controlled compatible land use area for which notification under Subsection (c) would be required by the defense community.

(e) Requires the defense community, after providing notice under Subsection (c), to enter into a memorandum of agreement with the military base or defense facility to establish

provisions to maintain the compatibility of the proposed ordinance, rule, or plan with base operations.

SECTION 2. Amends Section 397.006, Local Government Code, by amending Subsection (a) and adding Subsections (c), (c-1), and (c-2), as follows:

(a) Changes a reference to this section to Subsection (b) (requiring the defense community reviewing an application for a certain permit to notify the base or facility authorities concerning the compatibility of the proposed structure with base operations) and makes no further change to this subsection.

(c) Requires a defense community, on receipt of an application for a permit as defined by Section 245.001 (Definitions) for a proposed structure that would be located in a controlled compatible land use area as defined by Section 241.003 and may impact base operations, to notify the base or facility authorities concerning the compatibility of the proposed structure with base operations. Provides that this subsection applies only to a defense community that has not adopted airport zoning regulations under Chapter 241 and that:

(1) is a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides;

(2) is a county with a population of 130,000 or more that is adjacent to a county described by Subdivision (1);

(3) is located in a county described by Subdivision (1) or (2); or

(4) is or includes a municipality that is located in a county with a population of more than 130,000 that borders the Red River.

(c-1) Authorizes a defense community described by Subsection (c) to enter into a memorandum of agreement with the military base or defense facility to establish a smaller area in the controlled compatible land use area for which notification under Subsection (c) would be required by the defense community.

(c-2) Requires a defense community, after providing notice under Subsection (c), to enter into a memorandum of agreement with the military base or defense facility to establish provisions to maintain the compatibility of the proposed structure with base operations.

SECTION 3. Effective date: September 1, 2015.