

By: King of Taylor, Vaught

H.B. No. 2919

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of land use to ensure compatible development with military facilities in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 397.005, Local Government Code, is amended to read as follows:

Sec. 397.005. CONSULTATION WITH DEFENSE BASE AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN. (a) This subsection applies to a defense community other than a defense community described by Subsection (b). If a defense community determines that an ordinance, rule, or plan proposed by the community may impact a defense base or the military exercise or training activities connected to the base, the defense community shall seek comments and analysis from the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. The defense community shall consider and analyze the comments and analysis before making a final determination relating to the proposed ordinance, rule, or plan.

(b) This subsection applies only to a defense community that includes a municipality with a population of more than 110,000 located in a county with a population of less than 135,000 and that has not adopted airport zoning regulations under Chapter 241. A defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary

1 line of a defense base or the military exercise or training
2 activities connected to the base shall seek comments and analysis
3 from the defense base authorities concerning the compatibility of
4 the proposed ordinance, rule, or plan with base operations.

5 (c) A defense community described by Subsection (b) shall
6 consider and analyze any comments and analysis received from the
7 defense base authorities under Subsection (b) before making a final
8 determination relating to the proposed ordinance, rule, or plan.
9 The defense community described by Subsection (b) may not make a
10 final determination under this subsection until the 31st day after
11 the date comments and analysis are requested under Subsection (b).

12 SECTION 2. Chapter 397, Local Government Code, is amended
13 by adding Section 397.006 to read as follows:

14 Sec. 397.006. CONSULTATION WITH DEFENSE BASE AUTHORITIES:
15 PROPOSED STRUCTURE. (a) This section applies only to a defense
16 community that includes a municipality with a population of more
17 than 110,000 located in a county with a population of less than
18 135,000 and that has not adopted airport zoning regulations under
19 Chapter 241.

20 (b) On receipt of an application for a permit as described
21 by Section 245.001 for a proposed structure in an area located
22 within eight miles of the boundary line of a defense base or the
23 military exercise or training activities connected to the base, the
24 defense community reviewing the application shall seek comments and
25 analysis from the defense base authorities concerning the
26 compatibility of the proposed structure with base operations.

27 (c) The defense community shall consider and analyze any

1 comments and analysis received from the defense base authorities
2 under Subsection (b) before making a final determination relating
3 to approval of the permit for the proposed structure. The defense
4 community may not make a final determination under this subsection
5 until the earlier of the date comments and analysis are received
6 from the defense base authorities or the fifth business day after
7 the date comments and analysis are requested under Subsection (b).
8 In this subsection, "business day" means any day other than a
9 Saturday, Sunday, or state or federal holiday.

10 (d) This section does not apply if a defense community is
11 required to take immediate action on an application to protect the
12 public health, safety, or welfare of residents of the defense
13 community.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.