

1-1 By: King of Taylor, Vaught (Senate Sponsor - Fraser) H.B. No. 2919
1-2 (In the Senate - Received from the House May 15, 2009;
1-3 May 18, 2009, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 21, 2009, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 21, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the regulation of land use to ensure compatible
1-10 development with military facilities in certain counties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 397.005, Local Government Code, is
1-13 amended to read as follows:

1-14 Sec. 397.005. CONSULTATION WITH DEFENSE BASE AUTHORITIES:
1-15 PROPOSED ORDINANCE, RULE, OR PLAN. (a) This subsection applies to
1-16 a defense community other than a defense community described by
1-17 Subsection (b). If a defense community determines that an
1-18 ordinance, rule, or plan proposed by the community may impact a
1-19 defense base or the military exercise or training activities
1-20 connected to the base, the defense community shall seek comments
1-21 and analysis from the defense base authorities concerning the
1-22 compatibility of the proposed ordinance, rule, or plan with base
1-23 operations. The defense community shall consider and analyze the
1-24 comments and analysis before making a final determination relating
1-25 to the proposed ordinance, rule, or plan.

1-26 (b) This subsection applies only to a defense community that
1-27 includes a municipality with a population of more than 110,000
1-28 located in a county with a population of less than 135,000 and that
1-29 has not adopted airport zoning regulations under Chapter 241. A
1-30 defense community that proposes to adopt or amend an ordinance,
1-31 rule, or plan in an area located within eight miles of the boundary
1-32 line of a defense base or the military exercise or training
1-33 activities connected to the base shall seek comments and analysis
1-34 from the defense base authorities concerning the compatibility of
1-35 the proposed ordinance, rule, or plan with base operations.

1-36 (c) A defense community described by Subsection (b) shall
1-37 consider and analyze any comments and analysis received from the
1-38 defense base authorities under Subsection (b) before making a final
1-39 determination relating to the proposed ordinance, rule, or plan.
1-40 The defense community described by Subsection (b) may not make a
1-41 final determination under this subsection until the 31st day after
1-42 the date comments and analysis are requested under Subsection (b).

1-43 SECTION 2. Chapter 397, Local Government Code, is amended
1-44 by adding Section 397.006 to read as follows:

1-45 Sec. 397.006. CONSULTATION WITH DEFENSE BASE AUTHORITIES:
1-46 PROPOSED STRUCTURE. (a) This section applies only to a defense
1-47 community that includes a municipality with a population of more
1-48 than 110,000 located in a county with a population of less than
1-49 135,000 and that has not adopted airport zoning regulations under
1-50 Chapter 241.

1-51 (b) On receipt of an application for a permit as described
1-52 by Section 245.001 for a proposed structure in an area located
1-53 within eight miles of the boundary line of a defense base or the
1-54 military exercise or training activities connected to the base, the
1-55 defense community reviewing the application shall seek comments and
1-56 analysis from the defense base authorities concerning the
1-57 compatibility of the proposed structure with base operations.

1-58 (c) The defense community shall consider and analyze any
1-59 comments and analysis received from the defense base authorities
1-60 under Subsection (b) before making a final determination relating
1-61 to approval of the permit for the proposed structure. The defense
1-62 community may not make a final determination under this subsection
1-63 until the earlier of the date comments and analysis are received
1-64 from the defense base authorities or the fifth business day after

2-1 the date comments and analysis are requested under Subsection (b).
2-2 In this subsection, "business day" means any day other than a
2-3 Saturday, Sunday, or state or federal holiday.

2-4 (d) This section does not apply if a defense community is
2-5 required to take immediate action on an application to protect the
2-6 public health, safety, or welfare of residents of the defense
2-7 community.

2-8 SECTION 3. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2009.

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