

By: Van de Putte

S.B. No. 2222

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the creation of regional military sustainability commissions around military installations and requiring certain property disclosures.

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

SECTION 1. Subtitle C, Title 12, Local Government Code, is amended by adding Chapter 397A to read as follows:

CHAPTER 397A. REGIONAL MILITARY SUSTAINABILITY COMMISSIONS

RELATING TO MILITARY INSTALLATIONS

Sec. 397A.001. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the areas that surround military installations will be frequented for military, national security, and international training purposes by individuals from many parts of the state, nation, and world;

(2) compatible development and use of those areas is of concern to the entire state and nation; and

(3) without adequate regulation, the areas will tend to become incompatible with military missions and to be used in ways that interfere with:

(A) the proper continued use of those areas as secure locations for military installations and missions; and

(B) the effective operation of the military installations and missions.

1 (b) The regulatory powers granted under this chapter are for
2 the purpose of:

3 (1) promoting the public health, safety, and general
4 welfare;

5 (2) protecting and preserving places and areas of
6 military and national security importance and significance;

7 (3) protecting critical military missions and
8 operations related to those missions; and

9 (4) ensuring state and national security.

10 Sec. 397A.002. CREATION OF REGIONAL MILITARY
11 SUSTAINABILITY COMMISSION. (a) All counties and municipalities
12 that each, with respect to the same military installation,
13 constitute a defense community, as defined by Section 397.001, and
14 for which a Joint Land Use Study has been completed, may agree by
15 order, ordinance, or other means to establish and fund a regional
16 military sustainability commission under this chapter.

17 (b) A regional military sustainability commission's
18 territory consists of the unincorporated area located within five
19 miles of the boundary line of a military installation designated as
20 the commission's territory when the commission is established.

21 (c) A commission is a political subdivision of the state and
22 is entitled to immunity as described by Chapter 101, Civil Practice
23 and Remedies Code.

24 (d) This chapter shall be liberally construed in conformity
25 with the findings and purposes under Section 397A.001.

26 Sec. 397A.003. HEARING ON CREATION OF COMMISSION. (a) Not
27 earlier than the 60th day or later than the 30th day before the date

1 the governing body of each participating governmental entity
2 establishes a regional military sustainability commission, each
3 governing body shall hold two public hearings to consider the
4 creation of the proposed commission. Each governing body must, at
5 least seven days before each public hearing, prominently post
6 notice of the hearing in the administrative offices of the
7 governmental entity and publish notice of the hearing in a
8 newspaper of general circulation in the proposed territory, if any.

9 (b) The notice required by Subsection (a) must:

10 (1) state the date, time, and place for the public
11 hearing;

12 (2) identify the boundaries of the proposed territory,
13 including a map of the proposed territory; and

14 (3) provide a description of the proposed regional
15 military sustainability commission's authority.

16 Sec. 397A.004. GOVERNING BODY OF REGIONAL MILITARY
17 SUSTAINABILITY COMMISSION. (a) The governing body of a regional
18 military sustainability commission is composed of not more than
19 nine members.

20 (b) Participating governmental entities may by joint
21 agreement determine the number, qualifications of, and method of
22 selecting members of the governing body of a commission.

23 (c) A member of a governing body of a commission may not be
24 an elected official of a participating county or municipality.

25 Sec. 397A.005. REGULATORY POWERS. (a) A regional military
26 sustainability commission has the authority granted to a municipal
27 zoning commission and a board of adjustment under Chapter 211 in the

1 regional military sustainability commission's territory, including
2 any area that is within the boundaries of a municipality's
3 extraterritorial jurisdiction. On annexation of an area of the
4 commission's territory for full or limited purposes by a
5 municipality, the commission's power to regulate the area under
6 Chapter 211 expires. The commission regains the power in an area if
7 the municipality disannexes the area.

8 **(b)** A commission shall establish an advisory committee and
9 appoint not more than five members to the committee. Three of the
10 members appointed to the committee must represent the military
11 installation for which the commission is established. The
12 committee shall advise the commission on protecting the critical
13 military missions of the military installation with regard to
14 development.

15 **(c)** The participating governmental entities shall determine
16 the procedures under Chapter 211 that apply to the review and
17 approval of a zoning regulation under this chapter. The
18 governmental entity with jurisdiction in the area to which a
19 proposed zoning regulation applies makes the final decision under
20 this chapter regarding a proposed zoning regulation.

21 **Sec. 397A.006. REGIONAL PLAN.** (a) A regional military
22 sustainability commission shall recommend and adopt a plan for the
23 territory. After adoption, the commission shall submit the plan to
24 the participating governmental entities for approval.

25 **(b)** Before taking action to approve or reject the plan, the
26 participating governmental entities shall:

27 **(1)** provide notice of the commission's proposed plan

1 to property owners in the commission's territory, as determined by
2 the most recent county tax roll; and

3 (2) publish notice of the commission's proposed plan
4 in a newspaper of general circulation in the commission's
5 territory, if any.

6 (c) The failure of notice to reach each property owner under
7 Subsection (b) does not invalidate a plan adopted under Subsection
8 (a).

9 (d) The regional plan shall be final upon its approval by a
10 majority of the participating governmental entities. Notice of the
11 final plan shall be provided to all appropriate taxing entities for
12 inclusion in the deed county records.

13 (e) The commission may amend an approved plan after
14 providing notice of the amended plan and holding hearings in the
15 same manner as provided by the procedures described by Section
16 397A.005(c). The participating governmental entities may approve
17 the commission's amended plan under the procedures adopted by
18 Section 397A.005(c) for the approval of zoning regulations.

19 Sec. 397A.007. COORDINATION WITH OTHER PLANS AND STUDIES.
20 The plan and regulations adopted under this chapter must be
21 coordinated with:

22 (1) the county plan for growth and development of a
23 participating county or a county located in the commission's
24 territory;

25 (2) the comprehensive plan of a participating
26 municipality; and

27 (3) the most recent Joint Land Use Study, if the

1 commission makes a finding that the conclusions of the study
2 accurately reflect circumstances in the territory.

3 Sec. 397A.008. DORMANT PROJECTS. (a) Notwithstanding
4 Section 245.005(b), a project, as defined by Section 245.001, in
5 the commission's territory shall not have more than two years to
6 show progress towards completion, as determined under Section
7 245.005(c).

8 (b) This section does not prohibit a project developer from
9 applying to the commission for a new permit or other form of
10 authorization required to complete a project.

11 Sec. 397A.009. CONFLICT WITH OTHER LAWS. If a regulation
12 adopted under this chapter conflicts with a standard imposed under
13 another statute or local order or regulation, the more stringent
14 standard controls.

15 Sec. 397A.010. FUNDS. (a) A commission does not have
16 power to tax.

17 (b) A participating governmental entity may appropriate
18 funds to the commission for the costs and expenses required in the
19 performance of its purposes.

20 (c) A commission may apply for, contract for, receive, and
21 expend for its purposes a grant or funds from a participating
22 governmental entity, the state, the federal government, or other
23 source.

24 Sec. 397A.011. RESTRICTIONS. (a) A commission shall
25 comply with laws applicable to participating governmental entities
26 relating to:

27 (1) reimbursement for travel expenses;

- (2) nepotism;
- (3) conflicts of interest; and
- (4) registration of lobbyists.

(b) To the extent of a conflict between laws applicable to governmental entities relating to a subject described by Subsection (a), the more stringent requirement controls.

Sec. 397A.012. WITHDRAWAL FROM COMMISSION. A participating governmental entity may withdraw from a commission:

- (1) by a two-thirds vote of its governing body; and
- (2) after providing notice to the relevant military installation commander not later than the 45th day before the date of the vote under Subdivision (1).

Sec. 397A.013. EXEMPTION FROM OTHER LAW. Chapter 2007, Texas Government Code, does not apply to an action by a regional military sustainability commission or a participating governmental entity under this chapter.

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