

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 26 2009

Atty. General
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Westmont*

1 Amend H.B. No. 2919 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

6 CHAPTER 397A. REGIONAL MILITARY SUSTAINABILITY COMMISSIONS

7 RELATING TO MILITARY INSTALLATIONS

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

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

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

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

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

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

23 (b) The regulatory powers granted under this chapter are for
24 the purposes of:

25 (1) promoting the public health, safety, and general
26 welfare;

27 (2) protecting and preserving places and areas of
28 military and national security importance and significance;

29 (3) protecting critical military missions and

1 operations related to those missions; and

2 (4) ensuring state and national security.

3 (c) This chapter may not be interpreted to grant regulatory
4 powers to administer Chapter 245 or to amend a protection or benefit
5 provided by Chapter 245.

6 Sec. 397A.002. APPLICABILITY. (a) A regulation or
7 compatible development standard adopted under this chapter does not
8 apply to:

9 (1) a tract of land used for a single-family residence
10 that is located outside the boundaries of a platted subdivision;

11 (2) a tract of land in agricultural use;

12 (3) an activity or a structure or appurtenance on a
13 tract of land in agricultural use; or

14 (4) an area designated as part of the commission's
15 territory under Section 397A.003 that is subject to the
16 jurisdiction of a regulatory agency as defined by Section 245.001,
17 and that, on the effective date of the Act adding this chapter, is:

18 (A) within the boundaries of a project as defined
19 by Section 245.001 and any revision to the project that has accrued
20 rights under Chapter 245;

21 (B) the subject of a permit as defined by Section
22 245.001 issued by or a permit application filed with a regulatory
23 agency as defined by Section 245.001; or

24 (C) subject to a plan for development or plat
25 application filed with a regulatory agency as defined by Section
26 245.001.

27 (b) In this section:

28 (1) "Agricultural use" means use or activity involving
29 agriculture.

30 (2) "Agriculture" means:

31 (A) cultivating the soil to produce crops for

1 human food, animal feed, seed for planting, or the production of
2 fibers;

3 (B) practicing floriculture, viticulture,
4 silviculture, or horticulture;

5 (C) raising, feeding, or keeping animals for
6 breeding purposes or for the production of food, fiber, leather,
7 pelts, or other tangible products having commercial value;

8 (D) planting cover crops, including cover crops
9 cultivated for transplantation, or leaving land idle for the
10 purpose of participating in a government program or normal crop or
11 livestock rotation procedure; or

12 (E) engaging in wildlife management.

13 (c) A term used in this chapter that is defined or used in
14 Chapter 245 has the meaning assigned by Chapter 245.

15 Sec. 397A.003. CREATION OF REGIONAL MILITARY
16 SUSTAINABILITY COMMISSION. (a) A county with unincorporated area
17 located within five miles of the boundary line of a military
18 installation, and a municipality with a population of 1.1 million
19 or more and with extraterritorial jurisdiction located within five
20 miles of the boundary line of a military installation, each of
21 which, with respect to the same military installation, constitutes
22 a defense community as defined by Section 397.001, may agree by
23 order, ordinance, or other means to establish and fund a regional
24 military sustainability commission under this chapter in an area
25 that is located:

26 (1) in the same county as the active military
27 installation; and

28 (2) in the extraterritorial jurisdiction of the
29 municipality.

30 (b) Defense communities may not establish more than one
31 commission in a county.

1 (c) Except as provided by Subsection (d), a commission's
2 territory consists of the unincorporated area located within two
3 miles of the boundary line of a military installation designated as
4 the commission's territory when the commission is established.

5 (d) If a military installation is engaged in flight training
6 at the time a commission is established under this section, the
7 commission's territory consists of the unincorporated area located
8 within three miles of the boundary line of the military
9 installation.

10 (e) A commission is a political subdivision of the state, is
11 subject to Section 245.006, and is entitled to immunity as
12 described by Chapter 101, Civil Practice and Remedies Code.

13 (f) This chapter shall be narrowly construed in conformity
14 with the findings and purposes under Section 397A.001.

15 Sec. 397A.004. HEARING ON CREATION OF COMMISSION. (a) Not
16 earlier than the 60th day or later than the 30th day before the date
17 the governing body of each participating governmental entity
18 establishes a regional military sustainability commission, each
19 governing body shall hold two public hearings to consider the
20 creation of the proposed commission. Each governing body must, at
21 least seven days before each public hearing, prominently post
22 notice of the hearing in the administrative offices of the
23 governmental entity and publish notice of the hearing in a
24 newspaper of general circulation, if any, in the proposed
25 territory.

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

27 (1) state the date, time, and place for the public
28 hearing;

29 (2) identify the boundaries of the proposed territory,
30 including a map of the proposed territory; and

31 (3) provide a description of the proposed commission's

1 authority.

2 Sec. 397A.005. GOVERNING BODY OF REGIONAL MILITARY
3 SUSTAINABILITY COMMISSION. (a) The governing body of a regional
4 military sustainability commission is composed of not more than
5 nine members.

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

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

11 Sec. 397A.006. COMMISSION REVIEW OF NEW PROJECTS. (a) In
12 this section, "new project" means a project, as that term is defined
13 by Section 245.001, for which an application for a permit that will
14 establish a vesting date under Chapter 245 has not been submitted to
15 a regulatory agency before the effective date of the Act adding this
16 chapter. The term does not include a revision to a project
17 commenced before the effective date of the Act adding this chapter.

18 (b) A regional military sustainability commission shall
19 establish an advisory committee and appoint six members to the
20 committee. Three of the members appointed to the committee must
21 represent the military installation for which the commission is
22 established and three members must represent landowners in the area
23 surrounding the military installation. The committee shall advise
24 the commission on protecting the critical military missions of the
25 military installation with regard to development.

26 (c) On receipt of an application for a permit for a new
27 project in the commission's territory, the governing body of the
28 participating governmental entity shall review the application and
29 request a report from the commission regarding the proposed
30 project. The commission, with the advice of the advisory
31 committee, shall review the compatibility of the new project with

1 the military installation's military missions and related
2 operations based on the commission's compatible development
3 standards. The commission shall submit a report of its findings,
4 including a recommendation regarding compatibility, to the
5 reviewing governmental entity not later than the 30th calendar day
6 after the date the request was made. The report must include an
7 estimate of the fiscal impact on the affected property of any
8 recommendations submitted by the commission, if the fiscal impact
9 is determinable based on the project description and other
10 information provided by the developer.

11 (d) The reviewing governmental entity may not take action on
12 the permit application until it receives the report of the
13 commission. If the commission finds that the proposed new project
14 is not compatible with the military installation's missions and
15 recommends denial of the permit application, the reviewing
16 governmental entity may disapprove the permit application.

17 (e) On annexation of an area in the commission's territory
18 for full or limited purposes by a municipality, the commission's
19 authority over the area expires. The commission regains the
20 authority in an area if the municipality disannexes the area.

21 Sec. 397A.007. REGIONAL COMPATIBLE DEVELOPMENT STANDARDS.
22 (a) Before exercising the authority granted by Section 397A.006, a
23 regional military sustainability commission shall recommend and
24 adopt compatible development standards for the territory. The
25 commission must consider and may adopt, as part of the regional
26 compatible development standards, standards required by the
27 Federal Aviation Administration regulations for military
28 installations that service aircraft and helicopters. The
29 commission shall submit compatible development standards adopted
30 under this section to the participating governmental entities for
31 approval.

1 (b) Before taking action to approve or reject the compatible
2 development standards proposed by the commission, the
3 participating governmental entities shall:

4 (1) provide notice of the commission's proposed
5 compatible development standards to property owners in the
6 commission's territory, as determined by the most recent county tax
7 roll; and

8 (2) publish notice of the commission's proposed
9 compatible development standards in a newspaper of general
10 circulation, if any, in the commission's territory.

11 (c) The failure of notice to reach each property owner under
12 Subsection (b) does not invalidate compatible development
13 standards adopted under this section.

14 (d) The compatible development standards are final after
15 approval by a majority vote of each participating governmental
16 entity. Notice of the final compatible development standards must
17 be provided to all appropriate taxing entities for filing in the
18 real property records of the county.

19 (e) The commission may include in the compatible
20 development standards a recommendation to a participating
21 governmental entity to purchase property in the commission's
22 territory as practical to protect a critical military mission.

23 (f) The commission may recommend and approve amendments to
24 approved compatible development standards. The participating
25 governmental entities may approve the commission's amended
26 standards under procedures adopted by the entities.

27 Sec. 397A.008. COORDINATION WITH OTHER PLANS AND STUDIES.
28 The compatible development standards and regulations adopted under
29 this chapter must be coordinated with:

30 (1) the county plan for growth and development of the
31 participating county or a county located in the regional military

1 sustainability commission's territory;

2 (2) the comprehensive plan of the participating
3 municipality; and

4 (3) the most recent Joint Land Use Study, if the
5 commission makes a finding that the conclusions of the study
6 accurately reflect circumstances in the territory.

7 Sec. 397A.009. CONFLICT WITH OTHER LAWS. Except with
8 respect to Chapter 245, if a regulation adopted under this chapter
9 conflicts with a standard imposed under another statute or local
10 order or regulation, the more stringent standard controls.

11 Sec. 397A.010. FUNDS. (a) A regional military
12 sustainability commission does not have power to tax.

13 (b) A participating governmental entity may appropriate
14 funds to the commission for the costs and expenses required in the
15 performance of the commission's purposes.

16 (c) A commission may apply for, contract for, receive, and
17 expend for its purposes a grant or funds from a participating
18 governmental entity, the state, the federal government, or any
19 other source.

20 Sec. 397A.011. RESTRICTIONS. (a) A regional military
21 sustainability commission shall comply with laws applicable to
22 participating governmental entities relating to:

23 (1) reimbursement for travel expenses;

24 (2) nepotism;

25 (3) conflicts of interest; and

26 (4) registration of lobbyists.

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

31 Sec. 397A.012. WITHDRAWAL FROM COMMISSION. A participating

1 governmental entity may withdraw from a regional military
2 sustainability commission:

3 (1) by a two-thirds vote of its governing body; and

4 (2) after providing notice to the relevant military
5 installation commander not later than the 45th day before the date
6 of the vote under Subdivision (1).

7 Sec. 397A.013. EXPIRATION AFTER MILITARY INSTALLATION
8 CLOSURE. A regional military sustainability commission that
9 regulates territory around a military installation that is closed
10 by the federal government and the regional compatible development
11 standards adopted by the commission may continue in effect until
12 the fourth anniversary of the date the military installation is
13 closed.

14 Sec. 397A.014. JUDICIAL REVIEW OF COMMISSION OR
15 GOVERNMENTAL ENTITY DECISION. Notwithstanding any other provision
16 of this chapter, a landowner aggrieved by a report submitted by the
17 regional military sustainability commission or by a permit
18 application decision of the participating governmental entity
19 under this chapter may appeal all or part of the report or permit
20 application decision to a district court. The court may reverse or
21 modify, wholly or partly, the report submitted by the commission or
22 the permit application decision that is appealed.

ADOPTED

MAY 26 2009

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *C. H. S. F.*

1 Amend H.B. No. 2919 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

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

6 CHAPTER 397A. REGIONAL MILITARY SUSTAINABILITY COMMISSIONS

7 RELATING TO MILITARY INSTALLATIONS

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

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

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

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

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

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

23 (b) The regulatory powers granted under this chapter are for
24 the purposes of:

25 (1) promoting the public health, safety, and general
26 welfare;

27 (2) protecting and preserving places and areas of
28 military and national security importance and significance;

29 (3) protecting critical military missions and

037900

1 operations related to those missions; and

2 (4) ensuring state and national security.

3 (c) This chapter may not be interpreted to grant regulatory
4 powers to administer Chapter 245 or to amend a protection or benefit
5 provided by Chapter 245.

6 Sec. 397A.002. APPLICABILITY. (a) A regulation or
7 compatible development standard adopted under this chapter does not
8 apply to:

9 (1) an area located in a county with a population of
10 less than 5,000 that is adjacent to an international border;

11 (2) a tract of land used for a single-family residence
12 that is located outside the boundaries of a platted subdivision;

13 (3) a tract of land in agricultural use;

14 (4) an activity or a structure or appurtenance on a
15 tract of land in agricultural use; or

16 (5) any activity or a project, as that term is defined
17 by Section 245.001, that is:

18 (A) occurring or in existence on the effective
19 date of the Act adding this chapter; or

20 (B) receiving the benefits of or protected under
21 Chapter 245.

22 (b) In this section:

23 (1) "Agricultural use" means use or activity involving
24 agriculture.

25 (2) "Agriculture" means:

26 (A) cultivating the soil to produce crops for
27 human food, animal feed, seed for planting, or the production of
28 fibers;

29 (B) practicing floriculture, viticulture,
30 silviculture, or horticulture;

31 (C) raising, feeding, or keeping animals for

1 breeding purposes or for the production of food, fiber, leather,
2 pelts, or other tangible products having commercial value;

3 (D) planting cover crops, including cover crops
4 cultivated for transplantation, or leaving land idle for the
5 purpose of participating in a government program or normal crop or
6 livestock rotation procedure; or

7 (E) engaging in wildlife management.

8 Sec. 397A.003. CREATION OF REGIONAL MILITARY
9 SUSTAINABILITY COMMISSION. (a) A county with a population of
10 60,000 or less and a municipality that, with respect to the same
11 active military installation, constitutes a defense community, as
12 defined by Section 397.001, may agree by order, ordinance, or other
13 means to establish and fund a regional military sustainability
14 commission under this chapter in an area that is located:

15 (1) in the same county as the active military
16 installation; and

17 (2) in the extraterritorial jurisdiction of the
18 municipality.

19 (b) Defense communities may not establish more than one
20 commission in a county.

21 (c) A commission's territory consists of the unincorporated
22 area located within five miles of the boundary line of a military
23 installation designated as the commission's territory when the
24 commission is established.

25 (d) A commission is a political subdivision of the state, is
26 subject to Section 245.006, and is entitled to immunity as
27 described by Chapter 101, Civil Practice and Remedies Code.

28 (e) This chapter shall be narrowly construed in conformity
29 with the findings and purposes under Section 397A.001.

30 Sec. 397A.004. HEARING ON CREATION OF COMMISSION. (a) Not
31 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, if any, in the proposed
9 territory.

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

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

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

15 (3) provide a description of the proposed commission's
16 authority.

17 Sec. 397A.005. GOVERNING BODY OF REGIONAL MILITARY
18 SUSTAINABILITY COMMISSION. (a) The governing body of a regional
19 military sustainability commission is composed of not more than
20 nine members.

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

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

26 Sec. 397A.006. COMMISSION REVIEW OF NEW PROJECTS. (a) In
27 this section, "new project" means a project, as that term is defined
28 by Section 245.001, for which an application for a permit that will
29 establish a vesting date under Chapter 245 has not been submitted to
30 a regulatory agency before the effective date of the Act adding this
31 chapter, including a water contract, sewer contract, or master

1 plan.

2 (b) A regional military sustainability commission shall
3 establish an advisory committee and appoint six members to the
4 committee. Three of the members appointed to the committee must
5 represent the military installation for which the commission is
6 established and three members must represent landowners in the area
7 surrounding the military installation. The committee shall advise
8 the commission on protecting the critical military missions of the
9 military installation with regard to development.

10 (c) On receipt of an application for a permit for a new
11 project in the commission's territory, the governing body of the
12 participating governmental entity shall review the application and
13 request a report from the commission regarding the proposed
14 project. The commission, with the advice of the advisory
15 committee, shall review the compatibility of the new project with
16 the military installation's military missions and related
17 operations based on the commission's compatible development
18 standards. The commission shall submit a report of its findings,
19 including a recommendation regarding compatibility, to the
20 reviewing governmental entity not later than the 15th calendar day
21 after the date the request was made. The report must include an
22 estimate of the fiscal impact on the affected property of any
23 recommendations submitted by the commission as part of the report.

24 (d) The reviewing governmental entity may not take action on
25 the permit application until it receives the report of the
26 commission. If the commission finds that the proposed new project
27 is not compatible with the military installation's missions and
28 recommends denial of the permit application, the reviewing
29 governmental entity may disapprove the permit application.

30 (e) On annexation of an area in the commission's territory
31 for full or limited purposes by a municipality, the commission's

1 authority over the area expires. The commission regains the
2 authority in an area if the municipality disannexes the area.

3 Sec. 397A.007. REGIONAL COMPATIBLE DEVELOPMENT STANDARDS.

4 (a) Before exercising the authority granted by Section 397A.006, a
5 regional military sustainability commission shall recommend and
6 adopt compatible development standards for the territory. The
7 commission must consider and may adopt, as part of the regional
8 compatible development standards, the Federal Aviation
9 Administration regulations regarding height restrictions
10 surrounding a military installation that services aircraft and
11 helicopters. The commission shall submit compatible development
12 standards adopted under this section to the participating
13 governmental entities for approval.

14 (b) Before taking action to approve or reject the compatible
15 development standards proposed by the commission, the
16 participating governmental entities shall:

17 (1) provide notice of the commission's proposed
18 compatible development standards to property owners in the
19 commission's territory, as determined by the most recent county tax
20 roll; and

21 (2) publish notice of the commission's proposed
22 compatible development standards in a newspaper of general
23 circulation, if any, in the commission's territory.

24 (c) The failure of notice to reach each property owner under
25 Subsection (b) does not invalidate compatible development
26 standards adopted under this section.

27 (d) The compatible development standards are final after
28 approval by a majority vote of each participating governmental
29 entity. Notice of the final compatible development standards must
30 be provided to all appropriate taxing entities for filing in the
31 real property records of the county.

1 (e) The commission may include in the compatible
2 development standards a recommendation to a participating
3 governmental entity to purchase property in the commission's
4 territory as practical to protect a critical military mission.

5 (f) The commission may recommend and approve amendments to
6 approved compatible development standards. The participating
7 governmental entities may approve the commission's amended
8 standards under procedures adopted by the entities.

9 Sec. 397A.008. COORDINATION WITH OTHER PLANS AND STUDIES.
10 The compatible development standards and regulations adopted under
11 this chapter must be coordinated with:

12 (1) the county plan for growth and development of the
13 participating county or a county located in the regional military
14 sustainability commission's territory;

15 (2) the comprehensive plan of the participating
16 municipality; and

17 (3) the most recent Joint Land Use Study, if the
18 commission makes a finding that the conclusions of the study
19 accurately reflect circumstances in the territory.

20 Sec. 397A.009. CONFLICT WITH OTHER LAWS. Except with
21 respect to Chapter 245, if a regulation adopted under this chapter
22 conflicts with a standard imposed under another statute or local
23 order or regulation, the more stringent standard controls.

24 Sec. 397A.010. FUNDS. (a) A regional military
25 sustainability commission does not have power to tax.

26 (b) A participating governmental entity may appropriate
27 funds to the commission for the costs and expenses required in the
28 performance of the commission's purposes.

29 (c) A commission may apply for, contract for, receive, and
30 expend for its purposes a grant or funds from a participating
31 governmental entity, the state, the federal government, or any

1 other source.

2 Sec. 397A.011. RESTRICTIONS. (a) A regional military
3 sustainability commission shall comply with laws applicable to
4 participating governmental entities relating to:

5 (1) reimbursement for travel expenses;

6 (2) nepotism;

7 (3) conflicts of interest; and

8 (4) registration of lobbyists.

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

13 Sec. 397A.012. WITHDRAWAL FROM COMMISSION. A participating
14 governmental entity may withdraw from a regional military
15 sustainability commission:

16 (1) by a two-thirds vote of its governing body; and

17 (2) after providing notice to the relevant military
18 installation commander not later than the 45th day before the date
19 of the vote under Subdivision (1).

20 Sec. 397A.013. EXPIRATION AFTER MILITARY INSTALLATION
21 CLOSURE. A regional military sustainability commission that
22 regulates territory around a military installation that is closed
23 by the federal government and the regional compatible development
24 standards adopted by the commission may continue in effect until
25 the fourth anniversary of the date the military installation is
26 closed.

27 Sec. 397A.014. JUDICIAL REVIEW OF COMMISSION OR
28 GOVERNMENTAL ENTITY DECISION. Notwithstanding any other provision
29 of this chapter, a landowner aggrieved by a report submitted by the
30 regional military sustainability commission or by a permit
31 application decision of the participating governmental entity

1 under this chapter may appeal all or part of the report or permit
2 application decision to a district court, county court, or county
3 court at law. The court may reverse or modify, wholly or partly,
4 the report submitted by the commission or the permit application
5 decision that is appealed.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2919 by King, Susan (relating to the regulation of land use to ensure compatible development with military facilities in certain counties.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would prohibit a defense community from making a final determination about adopting or amending an ordinance, rule, or plan in an area located within 8 miles of the boundary line of a defense base or activities connected to the base until the 31st day after the date the community receives comments and analysis from the base. The bill would only apply 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 regulation.

The bill would add Chapter 397A to Subtitle C, Title 12, Local Government Code, to authorize certain counties and municipalities to establish and fund a regional military sustainability commission (commission) in certain areas located around military installations. Two public hearings would be required prior to establishing a commission.

A commission would be required to establish an advisory committee to advise the commission on protecting the critical military missions of the military installation with regard to development. The governing body of the participating governmental entity would be required to review the application and request a report from the commission regarding a proposed new project. Other requirements for the commission, the advisory committee, and the participating governmental entities are stipulated in the bill.

A participating governmental entity would be authorized to appropriate funds to the commission for the costs and expenses required in the performance of its purposes. A commission would be authorized to apply for, contract for, receive, and expend for its purposes a grant or funds from participating governmental entities.

The bill would allow a landowner aggrieved by a report submitted to the commission or by a permit application decision by the participating governmental entities to appeal to a district court. The court would have the authority to reverse, modify, wholly or partly, the report or the permit application decision that is appealed.

Local Government Impact

It is assumed that eligible counties and municipalities would form a regional military sustainability commission if sufficient resources were available and if there was a need and benefit. At a minimum, the entities would incur costs to conduct the required public hearings and costs required for the commission to operate.

Source Agencies:

LBB Staff: JOB, KK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2919 by King, Susan (Relating to the regulation of land use to ensure compatible development with military facilities in certain counties.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would prohibit a defense community from making a final determination about adopting or amending an ordinance, rule, or plan in an area located within 8 miles of the boundary line of a defense base or activities connected to the base until the 31st day after the date the community receives comments and analysis from the base. The bill would only apply 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 regulation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated from this procedural change.

Source Agencies:

LBB Staff: JOB, KK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 29, 2009

TO: Honorable Frank Corte Jr., Chair, House Committee on Defense & Veterans' Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2919 by King, Susan (relating to the regulation of land use to ensure compatible development with military facilities in certain counties.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would prohibit a defense community from making a final determination about adopting or amending an ordinance, rule, or plan in an area located within 8 miles of the boundary line of a defense base or activities connected to the base until the 31st day after the date the community receives comments and analysis from the base. The bill would only apply 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 regulation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated from this procedural change.

Source Agencies:

LBB Staff: JOB, KK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 19, 2009

TO: Honorable Frank Corte, Jr., Chair, House Committee on Defense & Veterans' Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2919 by King, Susan (Relating to the regulation of land use to ensure compatible development with military facilities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would prohibit a defense community from making a final determination about adopting or amending an ordinance, rule, or plan in an area located within 10 miles of the boundary line of a defense base or activities connected to the base until the 31st day after the date the community receives comments and analysis from the base.

Local Government Impact

No significant fiscal implication to units of local government is anticipated from this procedural change.

Source Agencies:

LBB Staff: JOB, KK, DB

