

By: Van de Putte
(Menendez)

S.B. No. 1200

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations.

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

SECTION 1. Section 436.001, Government Code, is amended to read as follows:

Sec. 436.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Military Preparedness Commission.

(2) "Defense community" has the meaning assigned by Section 397.001, Local Government Code.

(3) "Defense worker" means:

(A) an employee of the United States Department of Defense, including a member of the armed forces and a government civilian worker;

(B) an employee of a government agency or private business, or entity providing a department of defense related function, who is employed at a defense facility;

(C) an employee of a business that directly provides services or products to the department of defense and whose job is directly dependent on defense expenditures; or

(D) an employee or private contractor employed by the United States Department of Energy working on a defense or

1 department of energy facility in support of a department of defense
2 related project.

3 (4) "Defense worker job" means a department of defense
4 authorized permanent position or a position held or occupied by one
5 or more defense workers for more than 12 months.

6 (5) "Office" means the Texas Economic Development and
7 Tourism Office in the office of the governor.

8 (6) "Panel" means the commission's defense economic
9 adjustment assistance panel.

10 (7) "Texas Commanders Council" means the consortium of
11 commanding officers of the military installations in this state.

12 SECTION 2. Subsection (a), Section 436.051, Government
13 Code, is amended to read as follows:

14 (a) The commission is composed of:

15 (1) 13 public members, appointed by the governor; and

16 (2) the following ex officio members:

17 (A) the chair of the committee of the Texas House
18 of Representatives that has primary jurisdiction of matters
19 concerning defense affairs and military affairs [~~state-federal~~
20 ~~relations~~]; and

21 (B) the chair of the committee [~~one member~~] of
22 the Texas Senate that has primary jurisdiction of matters
23 concerning defense affairs and military affairs [~~appointed by the~~
24 ~~lieutenant governor~~].

25 SECTION 3. Section 436.101, Government Code, is amended to
26 read as follows:

27 Sec. 436.101. GENERAL POWERS AND DUTIES [~~OF COMMISSION~~].

1 (a) The commission shall~~+~~
2 ~~[(1)]~~ advise the governor and the legislature on
3 defense and military issues.

4 (b) The commission shall meet not less than once each year
5 with the Texas Commanders Council to:

6 (1) discuss the goals and challenges facing military
7 installations and develop recommendations for improvements;

8 (2) discuss ways the state can enhance and complement
9 the mission of the military installations in this state; and

10 (3) discuss services available to assist
11 transitioning military service members and their families.

12 (c) The commission shall act as the liaison to improve
13 coordination among the Texas Commanders Council and relevant state
14 agencies, including:

15 (1) the Texas Veterans Commission;

16 (2) the Veterans' Land Board;

17 (3) the Public Utility Commission of Texas;

18 (4) the Office of Public Utility Counsel; and

19 (5) the Texas Commission on Environmental Quality.

20 (d) The commission shall:

21 (1) administer and monitor the implementation of this
22 chapter;

23 (2) establish criteria and procedures and award grants
24 equitably based on evaluations, giving preference to defense
25 communities that may be adversely affected over positively affected
26 defense communities;

27 (3) ~~and economic and industrial development related~~

1 ~~to military issues,~~

2 [~~2~~] make recommendations regarding:

3 (A) the development of policies and plans to
4 support the long-term viability and prosperity of the military,
5 active and civilian, in this state, including promoting strategic
6 regional alliances that may extend over state lines; and

7 (B) the development of methods to assist
8 defense-dependent communities in the design and execution of
9 programs that enhance a community's relationship with military
10 installations and defense-related businesses;

11 (4) [~~3~~] provide information to communities, the
12 legislature, the state's congressional delegation, and state
13 agencies regarding federal actions affecting military
14 installations and missions;

15 (5) [~~4~~] serve as a clearinghouse for:

16 (A) defense economic adjustment and transition
17 information and activities along with the Texas Business and
18 Community Economic Development Clearinghouse; and

19 (B) information about:

20 (i) issues related to the operating costs,
21 missions, and strategic value of federal military installations
22 located in the state;

23 (ii) employment issues for communities that
24 depend on defense bases and in defense-related businesses; and

25 (iii) defense strategies and incentive
26 programs that other states are using to maintain, expand, and
27 attract new defense contractors;

1 (6) [~~(5)~~] provide assistance to communities that have
2 experienced a defense-related closure or realignment;

3 (7) [~~(6)~~] assist communities in the design and
4 execution of programs that enhance a community's relationship with
5 military installations and defense-related businesses, including
6 regional alliances that may extend over state lines;

7 (8) [~~(7)~~] assist communities in the retention and
8 recruiting of defense-related businesses, including fostering
9 strategic regional alliances that may extend over state lines;

10 (9) [~~(8)~~] encourage economic development in this
11 state by fostering the development of industries related to defense
12 affairs; and

13 (10) [~~(9)~~] advocate for the preservation and
14 expansion of missions of reservists at military installations in
15 the state.

16 (e) The commission may use an amount equal to not more than
17 two percent of the total amount of grants authorized during each
18 biennium to administer this chapter and other law relating to
19 readjustment of defense communities.

20 (f) The commission shall adopt rules necessary to implement
21 this chapter.

22 SECTION 4. The heading to Section 436.103, Government Code,
23 is amended to read as follows:

24 Sec. 436.103. BIENNIAL [~~ANNUAL~~] REPORT; ANNUAL MEETING.

25 SECTION 5. Subsection (b), Section 436.103, Government
26 Code, is amended to read as follows:

27 (b) Not later than July 1 of each even-numbered year, the

1 commission shall prepare and submit a report to the governor and the
2 legislature about the active military installations, communities
3 that depend on military installations, and defense-related
4 businesses in this state. The commission may update the report in
5 an odd-numbered year. The report must include:

6 (1) an economic impact statement describing in detail
7 the effect of the military on the economy of this state;

8 (2) a statewide assessment of active military
9 installations and current missions;

10 (3) a statewide strategy to attract new military
11 missions and defense-related business and include specific actions
12 that add military value to existing military installations;

13 (4) a list of state and federal activities that have
14 significant impact on active military installations and current
15 missions;

16 (5) a statement identifying:

17 (A) the state and federal programs and services
18 that assist communities impacted by military base closures or
19 realignments and the efforts to coordinate those programs; and

20 (B) the efforts to coordinate state agency
21 programs and services that assist communities in retaining active
22 military installations and current missions;

23 (6) an evaluation of initiatives to retain existing
24 defense-related businesses; ~~and~~

25 (7) a list of agencies with regulations, policies,
26 programs, or services that impact the operating costs or strategic
27 value of federal military installations and activities in the

1 state; and

2 (8) a summary of the commission's meetings with the
3 Texas Commanders Council under Section 436.101(b), including
4 recommendations, goals, and challenges based on those meetings.

5 SECTION 6. Subchapter C, Chapter 436, Government Code, is
6 amended by adding Section 436.105 to read as follows:

7 Sec. 436.105. MILITARY BASE REALIGNMENT AND CLOSURE TASK
8 FORCE. (a) The commission may establish a task force to seek
9 advice to prepare for possible action by the United States
10 Department of Defense related to the realignment or closure of
11 military installations in this state.

12 (b) A task force established under this section must consist
13 of not more than seven members who have demonstrated experience or
14 expertise in the United States Department of Defense's base
15 realignment and closure process.

16 (c) A task force established under this section shall:

17 (1) confer with defense communities and military
18 installations located in this state to identify strategies,
19 policies, plans, projects, and other ways to improve base
20 realignment scores; and

21 (2) advise and make recommendations to the commission
22 and legislature on any strategy, policy, plan, project, or action
23 the task force believes will strengthen the defense communities and
24 military installations in the state and prevent the closure or a
25 significant reduction of the operations of the military
26 installations.

27 SECTION 7. Section 436.152, Government Code, is amended to

1 read as follows:

2 Sec. 436.152. ANALYSIS OF PROJECTS THAT ADD MILITARY OR
3 DEFENSE VALUE; FINANCING. (a) A defense community may submit the
4 community's military base or defense facility value enhancement
5 statement prepared under Chapter 397, Local Government Code, to the
6 commission.

7 (b) On receiving a defense community's military base or
8 defense facility value enhancement statement, the commission shall
9 analyze the projects included in the statement using the criteria
10 it has developed. The commission shall develop project analysis
11 criteria based on the criteria the United States Department of
12 Defense uses for evaluating military bases or defense facilities in
13 the department's [~~base~~] realignment and closure process.

14 (c) The commission shall determine whether each project
15 identified in the defense community's military base or defense
16 facility value enhancement statement will enhance the military or
17 defense value of the military base or defense facility. The
18 commission shall assist the community in prioritizing the projects
19 that enhance the military or defense value of a military base or
20 defense facility, giving the highest priority to projects that add
21 the most [~~military~~] value under the commission's project analysis
22 criteria.

23 (d) The commission shall refer the defense community to the
24 appropriate state agency that has an existing program to provide
25 financing for each project identified in the community's military
26 base or defense facility value enhancement statement that adds
27 military or defense value to a military base or defense

1 facility. If there is no existing program to finance a project,
2 the office may provide a loan of financial assistance to the defense
3 community for the project.

4 SECTION 8. Subsections (a), (b), (c), and (d), Section
5 436.153, Government Code, are amended to read as follows:

6 (a) The office may provide a loan of financial assistance to
7 a defense community for a project that will enhance the military or
8 defense value of a military base or defense facility located in,
9 near, or adjacent to the defense community. The loan shall be made
10 from the Texas military value revolving loan account established
11 under Section 436.156.

12 (b) On receiving an application for a loan under this
13 section, the office shall confirm with the commission that the
14 project adds military or defense value to the military base or
15 defense facility.

16 (c) If the commission determines that a project will enhance
17 the military or defense value of the military base or defense
18 facility, the office shall, in accordance with the criteria adopted
19 by the office under Section 436.154(a):

20 (1) analyze the creditworthiness of the defense
21 community to determine the defense community's ability to repay the
22 loan; and

23 (2) evaluate the feasibility of the project to be
24 financed to ensure that the defense community has pledged a source
25 of revenue or taxes sufficient to repay the loan for the project.

26 (d) If the commission confirms that the funds will be used
27 to enhance the military or defense value of the military base or

1 defense facility based on the base realignment and closure
2 criteria, to overcome an action of the United States Department of
3 Defense that will negatively impact the military base or defense
4 facility, or for the recruitment or retention of a defense facility
5 and the office determines that the project is financially feasible,
6 the executive director of the office may award a loan to the defense
7 community for the project. The office shall enter into a written
8 agreement with a defense community that is awarded a loan. The
9 agreement must contain the terms and conditions of the loan,
10 including the loan repayment requirements.

11 SECTION 9. Subsection (a), Section 436.1532, Government
12 Code, is amended to read as follows:

13 (a) The office may provide a loan of financial assistance to
14 a defense community for an infrastructure project to accommodate
15 [~~accomodate~~] new or expanded military missions assigned to a
16 military base or defense facility located in, near, or adjacent to
17 the defense community as a result of a United States Department of
18 Defense base realignment process that occurs during 2005 or later.
19 The loan shall be made from the Texas military value revolving loan
20 account established under Section 436.156.

21 SECTION 10. Subsection (a), Section 436.155, Government
22 Code, is amended to read as follows:

23 (a) A defense community in this state may borrow money from
24 the state, including by direct loan, based on the credit of the
25 defense community to finance a project included in the community's
26 military base or defense facility value enhancement statement.

27 SECTION 11. Chapter 436, Government Code, is amended by

1 adding Subchapter E to read as follows:

2 SUBCHAPTER E. GRANTS

3 Sec. 436.201. ELIGIBILITY FOR GRANT. (a) The following
4 local governmental entities are eligible for a grant under this
5 subchapter:

6 (1) a municipality or county that is a defense
7 community;

8 (2) a regional planning commission that has a defense
9 community within its boundaries;

10 (3) a public junior college district that is wholly or
11 partly located in a defense community;

12 (4) a campus or education extension center of the
13 Texas State Technical College System that is located in a defense
14 community;

15 (5) a defense base development authority created under
16 Chapter 379B, Local Government Code; and

17 (6) a political subdivision that has the power of a
18 defense base development authority created under Chapter 379B,
19 Local Government Code.

20 (b) An eligible local governmental entity may be awarded a
21 grant if the commission determines that the entity may be adversely
22 or positively affected by an anticipated, planned, announced, or
23 implemented action of the United States Department of Defense to
24 close, reduce, increase, or otherwise realign defense worker jobs
25 or facilities.

26 Sec. 436.202. GRANT CRITERIA. (a) From money appropriated
27 for this purpose, the commission may make a grant to an eligible

1 local governmental entity to:

2 (1) enable the entity to match money or meet an
3 investment requirement necessary to receive federal assistance
4 provided to the local governmental entity for responding to or
5 recovering from an event described by Section 436.201(b);

6 (2) match the entity's contribution for a purpose
7 described by Section 436.203 at a closed or realigned defense
8 facility; or

9 (3) construct infrastructure and other projects
10 necessary to accommodate a new or expanded military mission at a
11 military base or to reduce the impact of an action of the United
12 States Department of Defense that will negatively impact a defense
13 facility located in or near the entity.

14 (b) The commission may not make a grant for an amount less
15 than \$50,000 or an amount more than the lesser of:

16 (1) 50 percent of the amount of matching money or
17 investment that the local governmental entity is required to
18 provide, subject to Subsection (c);

19 (2) 50 percent of the local governmental entity's
20 investment for purposes described by Section 436.203 if federal
21 assistance is unavailable; or

22 (3) \$2 million.

23 (c) If the local governmental entity demonstrates to the
24 commission that, because of a limited budget, the entity lacks the
25 resources necessary to provide 50 percent of the amount of matching
26 money or investment that the entity is required to provide, the
27 commission may make a grant in an amount of not more than 80 percent

1 of the amount of that matching money or investment requirement but
2 may not make a grant in an amount that exceeds \$2 million.

3 (d) The commission may make a grant to an eligible local
4 governmental entity without regard to the availability or
5 acquisition of matching money.

6 Sec. 436.203. USE OF PROCEEDS. (a) A local governmental
7 entity may use the proceeds of a grant awarded under this subchapter
8 for the purchase of property, including the purchase of property
9 from the United States Department of Defense or its designated
10 agent, new construction, rehabilitation or renovation of
11 facilities or infrastructure, or purchase of capital equipment or
12 facilities insurance.

13 (b) The local governmental entity may deliver the money to a
14 special district, development corporation, or other
15 instrumentality of this state or the local governmental entity for
16 use as provided by this chapter and other applicable law.

17 (c) An eligible local governmental entity described by
18 Section 436.201(a)(3) or (4) may use the proceeds of the grant to
19 purchase or lease equipment to train defense workers whose jobs
20 have been threatened or lost because of an event described by
21 Section 436.201(b).

22 Sec. 436.204. APPLICATION FOR GRANT. (a) A local
23 governmental entity may apply for a grant under this subchapter to
24 the commission on a form prescribed by the commission. The
25 commission shall establish periodic application cycles to enable
26 the evaluation of groups of applicants.

27 (b) The office may assist a local governmental entity in

1 applying for a grant under this chapter.

2 Sec. 436.205. PANEL: EVALUATION OF APPLICATION. (a) The
3 commission shall establish a defense economic adjustment
4 assistance panel composed of at least three and not more than five
5 professional full-time employees of the office of the governor
6 appointed by the director of the commission.

7 (b) The panel shall evaluate each grant application and
8 assign the applicant a score based on:

9 (1) the significance of the adverse or positive effect
10 within the local governmental entity, including the number of jobs
11 that may be lost or gained in relation to the workforce in the local
12 governmental entity's jurisdiction and the effect on the entity's
13 and surrounding area's economy and tax revenue;

14 (2) the extent to which the local governmental entity
15 may have used its existing resources to promote local economic
16 development;

17 (3) the amount of any grant that the local
18 governmental entity has previously received under this subchapter;

19 (4) the anticipated number of jobs that may be created
20 or retained in relation to the amount of the grant sought; and

21 (5) the extent to which the grant will affect the
22 region in which the local governmental entity is located.

23 Sec. 436.206. MAKING OF GRANT. The panel shall submit its
24 scores to the commission. The commission shall use the scores to
25 determine whether to make a grant to an applicant. The commission
26 may not make a grant unless the legislature has appropriated the
27 money for the grant.

1 Sec. 436.207. DEFENSE COMMUNITY WITH MORE THAN ONE MILITARY
 2 BASE. For purposes of the preference for adversely affected
 3 defense communities, a defense community that contains or is in
 4 proximity to more than one military base is considered an adversely
 5 affected defense community if the local governmental entity is
 6 applying for a grant under this subchapter for a project relating to
 7 the military base that is closed or whose operations are
 8 significantly reduced.

9 SECTION 12. The heading to Chapter 397, Local Government
 10 Code, is amended to read as follows:

11 CHAPTER 397. STRATEGIC PLANNING RELATING TO MILITARY BASES AND
 12 DEFENSE FACILITIES [~~INSTALLATIONS~~]

13 SECTION 13. Section 397.001, Local Government Code, is
 14 amended to read as follows:

15 Sec. 397.001. DEFINITIONS. In this chapter:

16 (1) [~~"Defense base" means a federally owned or~~
 17 ~~operated military installation or facility that is presently~~
 18 ~~functioning or was closed as a result of the United States~~
 19 ~~Department of Defense base realignment process.~~

20 [~~2~~] "Defense community" means a political
 21 subdivision, including a municipality, county, or special
 22 district, that is adjacent to, is near, or encompasses any part of a
 23 military base or defense facility [~~base~~].

24 (2) "Defense facility" means a government agency,
 25 private business, or other entity providing a United States
 26 Department of Defense related function or a private business that
 27 provides direct services or products to the United States

1 Department of Defense.

2 (3) "Military base" means a federally owned or
3 operated military installation or facility that is presently
4 functioning or was closed as a result of the United States
5 Department of Defense base realignment process.

6 SECTION 14. The heading to Section 397.002, Local
7 Government Code, is amended to read as follows:

8 Sec. 397.002. MILITARY BASE OR DEFENSE FACILITY [~~BASE~~
9 ~~MILITARY~~] VALUE ENHANCEMENT STATEMENT.

10 SECTION 15. Subsections (a), (c), (d), and (e), Section
11 397.002, Local Government Code, are amended to read as follows:

12 (a) A defense community that applies for financial
13 assistance from the Texas military value revolving loan account
14 under Section 436.153, Government Code, shall prepare, in
15 consultation with the authorities from each military base or
16 defense facility [~~base~~] associated with the community, a military
17 base or defense facility [~~base—military~~] value enhancement
18 statement that illustrates specific ways the funds will enhance the
19 military or defense value of the military base or defense facility
20 [~~installations~~] and must include the following information for each
21 project:

22 (1) the purpose for which financial assistance is
23 requested, including a description of the project;

24 (2) the source of other funds for the project;

25 (3) a statement on how the project will enhance the
26 military or defense value of the military base or defense facility
27 [~~installation~~];

1 (4) whether the defense community has coordinated the
2 project with authorities of the military base or defense facility
3 [~~installation~~] and whether any approval has been obtained from
4 those authorities;

5 (5) whether any portion of the project is to occur on
6 the military base or defense facility [~~installation~~];

7 (6) whether the project will have any negative impact
8 on the natural or cultural environment;

9 (7) a description of any known negative factors
10 arising from the project that will affect the community or the
11 military base or defense facility [~~installation~~]; and

12 (8) a description of how the project will address
13 future base realignment or closure or a negative United States
14 Department of Defense decision.

15 (c) Two or more defense communities near the same military
16 base or defense facility [~~base~~] that apply for financial assistance
17 from the Texas military value revolving loan account may prepare a
18 joint statement.

19 (d) A copy of the military base or defense facility [~~base~~
20 ~~military~~] value enhancement statement shall be distributed to the
21 authorities of each military base or defense facility [~~base~~]
22 included in the statement and the Texas Military Preparedness
23 Commission.

24 (e) This section does not prohibit a defense community that
25 is not applying for financial assistance from preparing a military
26 base or defense facility [~~base military~~] value enhancement
27 statement under this section.

1 SECTION 16. Subsections (a) and (c), Section 397.0021,
2 Local Government Code, are amended to read as follows:

3 (a) A defense community that is adjacent to a closed
4 military base or defense facility [~~installation~~] and applies for
5 financial assistance from the Texas military value revolving loan
6 account shall prepare an economic redevelopment value statement
7 that illustrates specific ways the funds will be used to promote
8 economic development in the community and include the following
9 information for each project:

10 (1) the purpose for which financial assistance is
11 requested, including a description of the project;

12 (2) the source of other funds for the project;

13 (3) a statement on how the project will promote
14 economic development in the community;

15 (4) whether any portion of the project is to occur on a
16 closed military base or defense facility [~~installation~~];

17 (5) whether any approval has been obtained from those
18 authorities retaining or receiving title to that portion of the
19 closed military base or defense facility [~~installation~~] to be
20 affected by the project;

21 (6) whether the project will have any negative impact
22 on the natural or cultural environment; and

23 (7) a description of any known negative factors
24 arising from the project that will affect the defense community.

25 (c) Two or more defense communities near the same military
26 base or defense facility [~~base~~] that apply for financial assistance
27 from the Texas military value revolving loan account may prepare a

1 joint statement.

2 SECTION 17. Sections 397.003, 397.004, and 397.005, Local
3 Government Code, are amended to read as follows:

4 Sec. 397.003. COMPREHENSIVE DEFENSE [~~INSTALLATION AND~~
5 COMMUNITY STRATEGIC IMPACT PLAN. (a) A defense community may
6 request financial assistance from the Texas military value
7 revolving loan account to prepare a comprehensive defense
8 [~~installation and~~] community strategic impact plan that states the
9 defense community's long-range goals and development proposals
10 relating to the following purposes:

11 (1) controlling negative effects of future growth of
12 the defense community on the military base or defense facility
13 [~~base~~] and minimizing encroachment on military exercises or
14 training activities connected to the military base or defense
15 facility;

16 (2) enhancing the military or defense value of the
17 military base or defense facility [~~base~~] while reducing operating
18 costs; and

19 (3) identifying which, if any, property and services
20 in a region can be shared by the military base or defense facility
21 [~~base~~] and the defense community.

22 (b) The comprehensive defense [~~installation and~~] community
23 strategic impact plan should include, if appropriate, maps,
24 diagrams, and text to support its proposals and must include the
25 following elements as they relate to each military base or defense
26 facility [~~base~~] included in the plan:

27 (1) a land use element that identifies:

1 (A) proposed distribution, location, and extent
2 of land uses such as housing, business, industry, agriculture,
3 recreation, public buildings and grounds, and other categories of
4 public and private land uses as those uses may impact the [~~defense~~
5 base or facility]; and

6 (B) existing and proposed regulations of land
7 uses, including zoning, annexation, or planning regulations as
8 those regulations may impact the [~~defense~~] base or facility;

9 (2) a transportation element that identifies the
10 location and extent of existing and proposed freeways, streets, and
11 roads and other modes of transportation;

12 (3) a population growth element that identifies past
13 and anticipated population trends;

14 (4) a water resources element that:

15 (A) addresses currently available surface water
16 and groundwater supplies; and

17 (B) addresses future growth projections and ways
18 in which the water supply needs of the defense community and the
19 [~~defense~~] base or facility can be adequately served by the existing
20 resources, or if such a need is anticipated, plans for securing
21 additional water supplies;

22 (5) a conservation element that describes methods for
23 conservation, development, and use of natural resources, including
24 land, forests, soils, rivers and other waters, wildlife, and other
25 natural resources;

26 (6) an open-space area element that includes:

27 (A) a list of existing open-space land areas;

1 (B) an analysis of the [~~defense~~] base's or
2 facility's forecasted needs for open-space areas to conduct its
3 military training activities; and

4 (C) suggested strategies under which land on
5 which some level of development has occurred can make a transition
6 to an open-space area, if needed;

7 (7) a restricted airspace element that creates buffer
8 zones, if needed, between the [~~defense~~] base or facility and the
9 defense community; and

10 (8) a military training route element that identifies
11 existing routes and proposes plans for additional routes, if
12 needed.

13 (c) Two or more defense communities near the same military
14 base or defense facility [~~base~~] may prepare a joint plan.

15 Sec. 397.004. PLANNING MANUAL. A defense community that
16 has prepared a comprehensive defense [~~installation and~~] community
17 strategic impact plan described by Section 397.003 is encouraged to
18 develop, in coordination with the authorities of each military base
19 or defense facility [~~base~~] associated with the community, a
20 planning manual based on the proposals contained in the plan. The
21 manual should adopt guidelines for community planning and
22 development to further the purposes described under Section
23 397.002. The defense community should, from time to time, consult
24 with military base or defense facility [~~base~~] authorities regarding
25 any changes needed in the planning manual guidelines adopted under
26 this section.

27 Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO MILITARY

1 BASE OR DEFENSE FACILITY [~~BASE~~] AUTHORITIES: PROPOSED ORDINANCE,
2 RULE, OR PLAN. (a) This subsection applies to a defense community
3 other than a defense community described by Subsection (b). If a
4 defense community determines that an ordinance, rule, or plan
5 proposed by the community may impact a military base or defense
6 facility [~~base~~] or the military exercise or training activities
7 connected to the base or facility, the defense community shall seek
8 comments and analysis from the [~~defense~~] base or facility
9 authorities concerning the compatibility of the proposed
10 ordinance, rule, or plan with base operations. The defense
11 community shall consider and analyze the comments and analysis
12 before making a final determination relating to the proposed
13 ordinance, rule, or plan.

14 (b) This subsection applies only to a defense community that
15 includes a municipality with a population of more than 110,000
16 located in a county with a population of less than 135,000 and that
17 has not adopted airport zoning regulations under Chapter 241. A
18 defense community that proposes to adopt or amend an ordinance,
19 rule, or plan in an area located within eight miles of the boundary
20 line of a military base or defense facility [~~base~~] shall notify the
21 [~~defense~~] base or facility authorities concerning the
22 compatibility of the proposed ordinance, rule, or plan with base
23 operations.

24 SECTION 18. The heading to Section 397.006, Local
25 Government Code, is amended to read as follows:

26 Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO MILITARY
27 BASE OR DEFENSE FACILITY [~~BASE~~] AUTHORITIES: PROPOSED STRUCTURE.

1 SECTION 19. Subsection (b), Section 397.006, Local
2 Government Code, is amended to read as follows:

3 (b) On receipt of an application for a permit as described
4 by Section 245.001 for a proposed structure in an area located
5 within eight miles of the boundary line of a military base or
6 defense facility [~~base~~], the defense community reviewing the
7 application shall notify the [~~defense~~] base or facility authorities
8 concerning the compatibility of the proposed structure with base
9 operations.

10 SECTION 20. Section 436.151, Government Code, and Chapter
11 486, Government Code, are repealed.

12 SECTION 21. This Act takes effect September 1, 2013.