

1-1 By: Van de Putte S.B. No. 1200
1-2 (In the Senate - Filed March 6, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 23, 2013, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; April 23, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1200 By: Van de Putte

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the Texas Military Preparedness Commission and
1-18 strategic planning regarding military bases and defense
1-19 installations.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 436.001, Government Code, is amended to
1-22 read as follows:

1-23 Sec. 436.001. DEFINITIONS. In this chapter:

1-24 (1) "Commission" means the Texas Military
1-25 Preparedness Commission.

1-26 (2) "Defense community" has the meaning assigned by
1-27 Section 397.001, Local Government Code.

1-28 (3) "Defense worker" means:

1-29 (A) an employee of the United States Department
1-30 of Defense, including a member of the armed forces and a government
1-31 civilian worker;

1-32 (B) an employee of a government agency or private
1-33 business, or entity providing a department of defense related
1-34 function, who is employed at a defense facility;

1-35 (C) an employee of a business that directly
1-36 provides services or products to the department of defense and
1-37 whose job is directly dependent on defense expenditures; or

1-38 (D) an employee or private contractor employed by
1-39 the United States Department of Energy working on a defense or
1-40 department of energy facility in support of a department of defense
1-41 related project.

1-42 (4) "Defense worker job" means a department of defense
1-43 authorized permanent position or a position held or occupied by one
1-44 or more defense workers for more than 12 months.

1-45 (5) "Office" means the Texas Economic Development and
1-46 Tourism Office in the office of the governor.

1-47 (6) "Panel" means the commission's defense economic
1-48 adjustment assistance panel.

1-49 (7) "Texas Commanders Council" means the consortium of
1-50 commanding officers of the military installations in this state.

1-51 SECTION 2. Subsection (a), Section 436.051, Government
1-52 Code, is amended to read as follows:

1-53 (a) The commission is composed of:

1-54 (1) 13 public members, appointed by the governor; and

1-55 (2) the following ex officio members:

1-56 (A) the chair of the committee of the Texas House
1-57 of Representatives that has primary jurisdiction of matters
1-58 concerning defense affairs and military affairs [~~state-federal~~
1-59 ~~relations~~]; and

1-60 (B) the chair of the committee [~~one member~~] of

2-1 the Texas Senate that has primary jurisdiction of matters
2-2 concerning defense affairs and military affairs [~~appointed by the~~
2-3 ~~lieutenant governor~~].

2-4 SECTION 3. Section 436.101, Government Code, is amended to
2-5 read as follows:

2-6 Sec. 436.101. GENERAL POWERS AND DUTIES [~~OF COMMISSION~~].

2-7 (a) The commission shall[+] ~~(1)~~
2-8 [~~(1)~~] advise the governor and the legislature on
2-9 defense and military issues.

2-10 (b) The commission shall meet not less than once each year
2-11 with the Texas Commanders Council to:

2-12 (1) discuss the goals and challenges facing military
2-13 installations and develop recommendations for improvements;

2-14 (2) discuss ways the state can enhance and complement
2-15 the mission of the military installations in this state; and

2-16 (3) discuss services available to assist
2-17 transitioning military service members and their families.

2-18 (c) The commission shall act as the liaison to improve
2-19 coordination among the Texas Commanders Council and relevant state
2-20 agencies, including:

2-21 (1) the Texas Veterans Commission;

2-22 (2) the Veterans' Land Board;

2-23 (3) the Public Utility Commission of Texas;

2-24 (4) the Office of Public Utility Counsel; and

2-25 (5) the Texas Commission on Environmental Quality.

2-26 (d) The commission shall:

2-27 (1) administer and monitor the implementation of this
2-28 chapter;

2-29 (2) establish criteria and procedures and award grants
2-30 equitably based on evaluations, giving preference to defense
2-31 communities that may be adversely affected over positively affected
2-32 defense communities;

2-33 (3) [~~and economic and industrial development related~~
2-34 to military issues;

2-35 [~~(2)~~] make recommendations regarding:

2-36 (A) the development of policies and plans to
2-37 support the long-term viability and prosperity of the military,
2-38 active and civilian, in this state, including promoting strategic
2-39 regional alliances that may extend over state lines; and

2-40 (B) the development of methods to assist
2-41 defense-dependent communities in the design and execution of
2-42 programs that enhance a community's relationship with military
2-43 installations and defense-related businesses;

2-44 (4) [~~(3)~~] provide information to communities, the
2-45 legislature, the state's congressional delegation, and state
2-46 agencies regarding federal actions affecting military
2-47 installations and missions;

2-48 (5) [~~(4)~~] serve as a clearinghouse for:

2-49 (A) defense economic adjustment and transition
2-50 information and activities along with the Texas Business and
2-51 Community Economic Development Clearinghouse; and

2-52 (B) information about:

2-53 (i) issues related to the operating costs,
2-54 missions, and strategic value of federal military installations
2-55 located in the state;

2-56 (ii) employment issues for communities that
2-57 depend on defense bases and in defense-related businesses; and

2-58 (iii) defense strategies and incentive
2-59 programs that other states are using to maintain, expand, and
2-60 attract new defense contractors;

2-61 (6) [~~(5)~~] provide assistance to communities that have
2-62 experienced a defense-related closure or realignment;

2-63 (7) [~~(6)~~] assist communities in the design and
2-64 execution of programs that enhance a community's relationship with
2-65 military installations and defense-related businesses, including
2-66 regional alliances that may extend over state lines;

2-67 (8) [~~(7)~~] assist communities in the retention and
2-68 recruiting of defense-related businesses, including fostering
2-69 strategic regional alliances that may extend over state lines;

3-1 (9) [~~8~~] encourage economic development in this
3-2 state by fostering the development of industries related to defense
3-3 affairs; and

3-4 (10) [~~9~~] advocate for the preservation and
3-5 expansion of missions of reservists at military installations in
3-6 the state.

3-7 (e) The commission may use an amount equal to not more than
3-8 two percent of the total amount of grants authorized during each
3-9 biennium to administer this chapter and other law relating to
3-10 readjustment of defense communities.

3-11 (f) The commission shall adopt rules necessary to implement
3-12 this chapter.

3-13 SECTION 4. The heading to Section 436.103, Government Code,
3-14 is amended to read as follows:

3-15 Sec. 436.103. BIENNIAL [~~ANNUAL~~] REPORT; ANNUAL MEETING.

3-16 SECTION 5. Subsection (b), Section 436.103, Government
3-17 Code, is amended to read as follows:

3-18 (b) Not later than July 1 of each even-numbered year, the
3-19 commission shall prepare and submit a report to the governor and the
3-20 legislature about the active military installations, communities
3-21 that depend on military installations, and defense-related
3-22 businesses in this state. The commission may update the report in
3-23 an odd-numbered year. The report must include:

3-24 (1) an economic impact statement describing in detail
3-25 the effect of the military on the economy of this state;

3-26 (2) a statewide assessment of active military
3-27 installations and current missions;

3-28 (3) a statewide strategy to attract new military
3-29 missions and defense-related business and include specific actions
3-30 that add military value to existing military installations;

3-31 (4) a list of state and federal activities that have
3-32 significant impact on active military installations and current
3-33 missions;

3-34 (5) a statement identifying:

3-35 (A) the state and federal programs and services
3-36 that assist communities impacted by military base closures or
3-37 realignments and the efforts to coordinate those programs; and

3-38 (B) the efforts to coordinate state agency
3-39 programs and services that assist communities in retaining active
3-40 military installations and current missions;

3-41 (6) an evaluation of initiatives to retain existing
3-42 defense-related businesses; [~~and~~]

3-43 (7) a list of agencies with regulations, policies,
3-44 programs, or services that impact the operating costs or strategic
3-45 value of federal military installations and activities in the
3-46 state; and

3-47 (8) a summary of the commission's meetings with the
3-48 Texas Commanders Council under Section 436.101(b), including
3-49 recommendations, goals, and challenges based on those meetings.

3-50 SECTION 6. Section 436.152, Government Code, is amended to
3-51 read as follows:

3-52 Sec. 436.152. ANALYSIS OF PROJECTS THAT ADD MILITARY OR
3-53 DEFENSE VALUE; FINANCING. (a) A defense community may submit the
3-54 community's military base or defense facility value enhancement
3-55 statement prepared under Chapter 397, Local Government Code, to the
3-56 commission.

3-57 (b) On receiving a defense community's military base or
3-58 defense facility value enhancement statement, the commission shall
3-59 analyze the projects included in the statement using the criteria
3-60 it has developed. The commission shall develop project analysis
3-61 criteria based on the criteria the United States Department of
3-62 Defense uses for evaluating military bases or defense facilities in
3-63 the department's [~~base~~] realignment and closure process.

3-64 (c) The commission shall determine whether each project
3-65 identified in the defense community's military base or defense
3-66 facility value enhancement statement will enhance the military or
3-67 defense value of the military base or defense facility. The
3-68 commission shall assist the community in prioritizing the projects
3-69 that enhance the military or defense value of a military base or

4-1 defense facility, giving the highest priority to projects that add
 4-2 the most [~~military~~] value under the commission's project analysis
 4-3 criteria.

4-4 (d) The commission shall refer the defense community to the
 4-5 appropriate state agency that has an existing program to provide
 4-6 financing for each project identified in the community's military
 4-7 base or defense facility value enhancement statement that adds
 4-8 military or defense value to a military base or defense
 4-9 facility. If there is no existing program to finance a project,
 4-10 the office may provide a loan of financial assistance to the defense
 4-11 community for the project.

4-12 SECTION 7. Subsections (a), (b), (c), and (d), Section
 4-13 436.153, Government Code, are amended to read as follows:

4-14 (a) The office may provide a loan of financial assistance to
 4-15 a defense community for a project that will enhance the military or
 4-16 defense value of a military base or defense facility located in,
 4-17 near, or adjacent to the defense community. The loan shall be made
 4-18 from the Texas military value revolving loan account established
 4-19 under Section 436.156.

4-20 (b) On receiving an application for a loan under this
 4-21 section, the office shall confirm with the commission that the
 4-22 project adds military or defense value to the military base or
 4-23 defense facility.

4-24 (c) If the commission determines that a project will enhance
 4-25 the military or defense value of the military base or defense
 4-26 facility, the office shall, in accordance with the criteria adopted
 4-27 by the office under Section 436.154(a):

4-28 (1) analyze the creditworthiness of the defense
 4-29 community to determine the defense community's ability to repay the
 4-30 loan; and

4-31 (2) evaluate the feasibility of the project to be
 4-32 financed to ensure that the defense community has pledged a source
 4-33 of revenue or taxes sufficient to repay the loan for the project.

4-34 (d) If the commission confirms that the funds will be used
 4-35 to enhance the military or defense value of the military base or
 4-36 defense facility based on the base realignment and closure
 4-37 criteria, to overcome an action of the United States Department of
 4-38 Defense that will negatively impact the military base or defense
 4-39 facility, or for the recruitment or retention of a defense facility
 4-40 and the office determines that the project is financially feasible,
 4-41 the executive director of the office may award a loan to the defense
 4-42 community for the project. The office shall enter into a written
 4-43 agreement with a defense community that is awarded a loan. The
 4-44 agreement must contain the terms and conditions of the loan,
 4-45 including the loan repayment requirements.

4-46 SECTION 8. Subsection (a), Section 436.1532, Government
 4-47 Code, is amended to read as follows:

4-48 (a) The office may provide a loan of financial assistance to
 4-49 a defense community for an infrastructure project to accommodate
 4-50 [~~accomodate~~] new or expanded military missions assigned to a
 4-51 military base or defense facility located in, near, or adjacent to
 4-52 the defense community as a result of a United States Department of
 4-53 Defense base realignment process that occurs during 2005 or later.
 4-54 The loan shall be made from the Texas military value revolving loan
 4-55 account established under Section 436.156.

4-56 SECTION 9. Subsection (a), Section 436.155, Government
 4-57 Code, is amended to read as follows:

4-58 (a) A defense community in this state may borrow money from
 4-59 the state, including by direct loan, based on the credit of the
 4-60 defense community to finance a project included in the community's
 4-61 military base or defense facility value enhancement statement.

4-62 SECTION 10. Chapter 436, Government Code, is amended by
 4-63 adding Subchapter E to read as follows:

4-64 SUBCHAPTER E. GRANTS

4-65 Sec. 436.201. ELIGIBILITY FOR GRANT. (a) The following
 4-66 local governmental entities are eligible for a grant under this
 4-67 subchapter:

4-68 (1) a municipality or county that is a defense
 4-69 community;

- 5-1 (2) a regional planning commission that has a defense
- 5-2 community within its boundaries;
- 5-3 (3) a public junior college district that is wholly or
- 5-4 partly located in a defense community;
- 5-5 (4) a campus or education extension center of the
- 5-6 Texas State Technical College System that is located in a defense
- 5-7 community;
- 5-8 (5) a defense base development authority created under
- 5-9 Chapter 379B, Local Government Code; and
- 5-10 (6) a political subdivision that has the power of a
- 5-11 defense base development authority created under Chapter 379B,
- 5-12 Local Government Code.

5-13 (b) An eligible local governmental entity may be awarded a
 5-14 grant if the commission determines that the entity may be adversely
 5-15 or positively affected by an anticipated, planned, announced, or
 5-16 implemented action of the United States Department of Defense to
 5-17 close, reduce, increase, or otherwise realign defense worker jobs
 5-18 or facilities.

5-19 Sec. 436.202. GRANT CRITERIA. (a) From money appropriated
 5-20 for this purpose, the commission may make a grant to an eligible
 5-21 local governmental entity to:

5-22 (1) enable the entity to match money or meet an
 5-23 investment requirement necessary to receive federal assistance
 5-24 provided to the local governmental entity for responding to or
 5-25 recovering from an event described by Section 436.201(b);

5-26 (2) match the entity's contribution for a purpose
 5-27 described by Section 436.203 at a closed or realigned defense
 5-28 facility; or

5-29 (3) construct infrastructure and other projects
 5-30 necessary to accommodate a new or expanded military mission at a
 5-31 military base or to reduce the impact of an action of the United
 5-32 States Department of Defense that will negatively impact a defense
 5-33 facility located in or near the entity.

5-34 (b) The commission may not make a grant for an amount less
 5-35 than \$50,000 or an amount more than the lesser of:

5-36 (1) 50 percent of the amount of matching money or
 5-37 investment that the local governmental entity is required to
 5-38 provide, subject to Subsection (c);

5-39 (2) 50 percent of the local governmental entity's
 5-40 investment for purposes described by Section 436.203 if federal
 5-41 assistance is unavailable; or

5-42 (3) \$2 million.

5-43 (c) If the local governmental entity demonstrates to the
 5-44 commission that, because of a limited budget, the entity lacks the
 5-45 resources necessary to provide 50 percent of the amount of matching
 5-46 money or investment that the entity is required to provide, the
 5-47 commission may make a grant in an amount of not more than 80 percent
 5-48 of the amount of that matching money or investment requirement but
 5-49 may not make a grant in an amount that exceeds \$2 million.

5-50 (d) The commission may make a grant to an eligible local
 5-51 governmental entity without regard to the availability or
 5-52 acquisition of matching money.

5-53 Sec. 436.203. USE OF PROCEEDS. (a) A local governmental
 5-54 entity may use the proceeds of a grant awarded under this subchapter
 5-55 for the purchase of property, including the purchase of property
 5-56 from the United States Department of Defense or its designated
 5-57 agent, new construction, rehabilitation or renovation of
 5-58 facilities or infrastructure, or purchase of capital equipment or
 5-59 facilities insurance.

5-60 (b) The local governmental entity may deliver the money to a
 5-61 special district, development corporation, or other
 5-62 instrumentality of this state or the local governmental entity for
 5-63 use as provided by this chapter and other applicable law.

5-64 (c) An eligible local governmental entity described by
 5-65 Section 436.201(a)(3) or (4) may use the proceeds of the grant to
 5-66 purchase or lease equipment to train defense workers whose jobs
 5-67 have been threatened or lost because of an event described by
 5-68 Section 436.201(b).

5-69 Sec. 436.204. APPLICATION FOR GRANT. (a) A local

6-1 governmental entity may apply for a grant under this subchapter to
6-2 the commission on a form prescribed by the commission. The
6-3 commission shall establish periodic application cycles to enable
6-4 the evaluation of groups of applicants.

6-5 (b) The office may assist a local governmental entity in
6-6 applying for a grant under this chapter.

6-7 Sec. 436.205. PANEL: EVALUATION OF APPLICATION. (a) The
6-8 commission shall establish a defense economic adjustment
6-9 assistance panel composed of at least three and not more than five
6-10 professional full-time employees of the office of the governor
6-11 appointed by the director of the commission.

6-12 (b) The panel shall evaluate each grant application and
6-13 assign the applicant a score based on:

6-14 (1) the significance of the adverse or positive effect
6-15 within the local governmental entity, including the number of jobs
6-16 that may be lost or gained in relation to the workforce in the local
6-17 governmental entity's jurisdiction and the effect on the entity's
6-18 and surrounding area's economy and tax revenue;

6-19 (2) the extent to which the local governmental entity
6-20 may have used its existing resources to promote local economic
6-21 development;

6-22 (3) the amount of any grant that the local
6-23 governmental entity has previously received under this subchapter;

6-24 (4) the anticipated number of jobs that may be created
6-25 or retained in relation to the amount of the grant sought; and

6-26 (5) the extent to which the grant will affect the
6-27 region in which the local governmental entity is located.

6-28 Sec. 436.206. MAKING OF GRANT. The panel shall submit its
6-29 scores to the commission. The commission shall use the scores to
6-30 determine whether to make a grant to an applicant. The commission
6-31 may not make a grant unless the legislature has appropriated the
6-32 money for the grant.

6-33 Sec. 436.207. DEFENSE COMMUNITY WITH MORE THAN ONE MILITARY
6-34 BASE. For purposes of the preference for adversely affected
6-35 defense communities, a defense community that contains or is in
6-36 proximity to more than one military base is considered an adversely
6-37 affected defense community if the local governmental entity is
6-38 applying for a grant under this subchapter for a project relating to
6-39 the military base that is closed or whose operations are
6-40 significantly reduced.

6-41 SECTION 11. The heading to Chapter 397, Local Government
6-42 Code, is amended to read as follows:

6-43 CHAPTER 397. STRATEGIC PLANNING RELATING TO MILITARY BASES AND
6-44 DEFENSE FACILITIES [~~INSTALLATIONS~~]

6-45 SECTION 12. Section 397.001, Local Government Code, is
6-46 amended to read as follows:

6-47 Sec. 397.001. DEFINITIONS. In this chapter:

6-48 (1) [~~"Defense base" means a federally owned or~~
6-49 ~~operated military installation or facility that is presently~~
6-50 ~~functioning or was closed as a result of the United States~~
6-51 ~~Department of Defense base realignment process.~~

6-52 [~~2~~] "Defense community" means a political
6-53 subdivision, including a municipality, county, or special
6-54 district, that is adjacent to, is near, or encompasses any part of a
6-55 military base or defense facility [~~base~~].

6-56 (2) "Defense facility" means a government agency,
6-57 private business, or other entity providing a United States
6-58 Department of Defense related function or a private business that
6-59 provides direct services or products to the United States
6-60 Department of Defense.

6-61 (3) "Military base" means a federally owned or
6-62 operated military installation or facility that is presently
6-63 functioning or was closed as a result of the United States
6-64 Department of Defense base realignment process.

6-65 SECTION 13. The heading to Section 397.002, Local
6-66 Government Code, is amended to read as follows:

6-67 Sec. 397.002. MILITARY BASE OR DEFENSE FACILITY [~~BASE~~
6-68 ~~MILITARY~~] VALUE ENHANCEMENT STATEMENT.

6-69 SECTION 14. Subsections (a), (c), (d), and (e), Section

7-1 397.002, Local Government Code, are amended to read as follows:
 7-2 (a) A defense community that applies for financial
 7-3 assistance from the Texas military value revolving loan account
 7-4 under Section 436.153, Government Code, shall prepare, in
 7-5 consultation with the authorities from each military base or
 7-6 defense facility [~~base~~] associated with the community, a military
 7-7 base or defense facility [~~base military~~] value enhancement
 7-8 statement that illustrates specific ways the funds will enhance the
 7-9 military or defense value of the military base or defense facility
 7-10 [~~installations~~] and must include the following information for each
 7-11 project:

7-12 (1) the purpose for which financial assistance is
 7-13 requested, including a description of the project;

7-14 (2) the source of other funds for the project;

7-15 (3) a statement on how the project will enhance the
 7-16 military or defense value of the military base or defense facility
 7-17 [~~installation~~];

7-18 (4) whether the defense community has coordinated the
 7-19 project with authorities of the military base or defense facility
 7-20 [~~installation~~] and whether any approval has been obtained from
 7-21 those authorities;

7-22 (5) whether any portion of the project is to occur on
 7-23 the military base or defense facility [~~installation~~];

7-24 (6) whether the project will have any negative impact
 7-25 on the natural or cultural environment;

7-26 (7) a description of any known negative factors
 7-27 arising from the project that will affect the community or the
 7-28 military base or defense facility [~~installation~~]; and

7-29 (8) a description of how the project will address
 7-30 future base realignment or closure or a negative United States
 7-31 Department of Defense decision.

7-32 (c) Two or more defense communities near the same military
 7-33 base or defense facility [~~base~~] that apply for financial assistance
 7-34 from the Texas military value revolving loan account may prepare a
 7-35 joint statement.

7-36 (d) A copy of the military base or defense facility [~~base~~
 7-37 ~~military~~] value enhancement statement shall be distributed to the
 7-38 authorities of each military base or defense facility [~~base~~]
 7-39 included in the statement and the Texas Military Preparedness
 7-40 Commission.

7-41 (e) This section does not prohibit a defense community that
 7-42 is not applying for financial assistance from preparing a military
 7-43 base or defense facility [~~base military~~] value enhancement
 7-44 statement under this section.

7-45 SECTION 15. Subsections (a) and (c), Section 397.0021,
 7-46 Local Government Code, are amended to read as follows:

7-47 (a) A defense community that is adjacent to a closed
 7-48 military base or defense facility [~~installation~~] and applies for
 7-49 financial assistance from the Texas military value revolving loan
 7-50 account shall prepare an economic redevelopment value statement
 7-51 that illustrates specific ways the funds will be used to promote
 7-52 economic development in the community and include the following
 7-53 information for each project:

7-54 (1) the purpose for which financial assistance is
 7-55 requested, including a description of the project;

7-56 (2) the source of other funds for the project;

7-57 (3) a statement on how the project will promote
 7-58 economic development in the community;

7-59 (4) whether any portion of the project is to occur on a
 7-60 closed military base or defense facility [~~installation~~];

7-61 (5) whether any approval has been obtained from those
 7-62 authorities retaining or receiving title to that portion of the
 7-63 closed military base or defense facility [~~installation~~] to be
 7-64 affected by the project;

7-65 (6) whether the project will have any negative impact
 7-66 on the natural or cultural environment; and

7-67 (7) a description of any known negative factors
 7-68 arising from the project that will affect the defense community.

7-69 (c) Two or more defense communities near the same military

8-1 base or defense facility [~~base~~] that apply for financial assistance
 8-2 from the Texas military value revolving loan account may prepare a
 8-3 joint statement.

8-4 SECTION 16. Sections 397.003, 397.004, and 397.005, Local
 8-5 Government Code, are amended to read as follows:

8-6 Sec. 397.003. COMPREHENSIVE DEFENSE [~~INSTALLATION AND~~]
 8-7 COMMUNITY STRATEGIC IMPACT PLAN. (a) A defense community may
 8-8 request financial assistance from the Texas military value
 8-9 revolving loan account to prepare a comprehensive defense
 8-10 [~~installation and~~] community strategic impact plan that states the
 8-11 defense community's long-range goals and development proposals
 8-12 relating to the following purposes:

8-13 (1) controlling negative effects of future growth of
 8-14 the defense community on the military base or defense facility
 8-15 [~~base~~] and minimizing encroachment on military exercises or
 8-16 training activities connected to the military base or defense
 8-17 facility;

8-18 (2) enhancing the military or defense value of the
 8-19 military base or defense facility [~~base~~] while reducing operating
 8-20 costs; and

8-21 (3) identifying which, if any, property and services
 8-22 in a region can be shared by the military base or defense facility
 8-23 [~~base~~] and the defense community.

8-24 (b) The comprehensive defense [~~installation and~~] community
 8-25 strategic impact plan should include, if appropriate, maps,
 8-26 diagrams, and text to support its proposals and must include the
 8-27 following elements as they relate to each military base or defense
 8-28 facility [~~base~~] included in the plan:

8-29 (1) a land use element that identifies:

8-30 (A) proposed distribution, location, and extent
 8-31 of land uses such as housing, business, industry, agriculture,
 8-32 recreation, public buildings and grounds, and other categories of
 8-33 public and private land uses as those uses may impact the [~~defense~~]
 8-34 base or facility; and

8-35 (B) existing and proposed regulations of land
 8-36 uses, including zoning, annexation, or planning regulations as
 8-37 those regulations may impact the [~~defense~~] base or facility;

8-38 (2) a transportation element that identifies the
 8-39 location and extent of existing and proposed freeways, streets, and
 8-40 roads and other modes of transportation;

8-41 (3) a population growth element that identifies past
 8-42 and anticipated population trends;

8-43 (4) a water resources element that:

8-44 (A) addresses currently available surface water
 8-45 and groundwater supplies; and

8-46 (B) addresses future growth projections and ways
 8-47 in which the water supply needs of the defense community and the
 8-48 [~~defense~~] base or facility can be adequately served by the existing
 8-49 resources, or if such a need is anticipated, plans for securing
 8-50 additional water supplies;

8-51 (5) a conservation element that describes methods for
 8-52 conservation, development, and use of natural resources, including
 8-53 land, forests, soils, rivers and other waters, wildlife, and other
 8-54 natural resources;

8-55 (6) an open-space area element that includes:

8-56 (A) a list of existing open-space land areas;

8-57 (B) an analysis of the [~~defense~~] base's or
 8-58 facility's forecasted needs for open-space areas to conduct its
 8-59 military training activities; and

8-60 (C) suggested strategies under which land on
 8-61 which some level of development has occurred can make a transition
 8-62 to an open-space area, if needed;

8-63 (7) a restricted airspace element that creates buffer
 8-64 zones, if needed, between the [~~defense~~] base or facility and the
 8-65 defense community; and

8-66 (8) a military training route element that identifies
 8-67 existing routes and proposes plans for additional routes, if
 8-68 needed.

8-69 (c) Two or more defense communities near the same military

9-1 base or defense facility [base] may prepare a joint plan.
9-2 Sec. 397.004. PLANNING MANUAL. A defense community that
9-3 has prepared a comprehensive defense [~~installation and~~] community
9-4 strategic impact plan described by Section 397.003 is encouraged to
9-5 develop, in coordination with the authorities of each military base
9-6 or defense facility [base] associated with the community, a
9-7 planning manual based on the proposals contained in the plan. The
9-8 manual should adopt guidelines for community planning and
9-9 development to further the purposes described under Section
9-10 397.002. The defense community should, from time to time, consult
9-11 with military base or defense facility [base] authorities regarding
9-12 any changes needed in the planning manual guidelines adopted under
9-13 this section.

9-14 Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO MILITARY
9-15 BASE OR DEFENSE FACILITY [BASE] AUTHORITIES: PROPOSED ORDINANCE,
9-16 RULE, OR PLAN. (a) This subsection applies to a defense community
9-17 other than a defense community described by Subsection (b). If a
9-18 defense community determines that an ordinance, rule, or plan
9-19 proposed by the community may impact a military base or defense
9-20 facility [base] or the military exercise or training activities
9-21 connected to the base or facility, the defense community shall seek
9-22 comments and analysis from the [~~defense~~] base or facility
9-23 authorities concerning the compatibility of the proposed
9-24 ordinance, rule, or plan with base operations. The defense
9-25 community shall consider and analyze the comments and analysis
9-26 before making a final determination relating to the proposed
9-27 ordinance, rule, or plan.

9-28 (b) This subsection applies only to a defense community that
9-29 includes a municipality with a population of more than 110,000
9-30 located in a county with a population of less than 135,000 and that
9-31 has not adopted airport zoning regulations under Chapter 241. A
9-32 defense community that proposes to adopt or amend an ordinance,
9-33 rule, or plan in an area located within eight miles of the boundary
9-34 line of a military base or defense facility [base] shall notify the
9-35 [~~defense~~] base or facility authorities concerning the
9-36 compatibility of the proposed ordinance, rule, or plan with base
9-37 operations.

9-38 SECTION 17. The heading to Section 397.006, Local
9-39 Government Code, is amended to read as follows:

9-40 Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO MILITARY
9-41 BASE OR DEFENSE FACILITY [BASE] AUTHORITIES: PROPOSED STRUCTURE.

9-42 SECTION 18. Subsection (b), Section 397.006, Local
9-43 Government Code, is amended to read as follows:

9-44 (b) On receipt of an application for a permit as described
9-45 by Section 245.001 for a proposed structure in an area located
9-46 within eight miles of the boundary line of a military base or
9-47 defense facility [base], the defense community reviewing the
9-48 application shall notify the [~~defense~~] base or facility authorities
9-49 concerning the compatibility of the proposed structure with base
9-50 operations.

9-51 SECTION 19. Section 436.151, Government Code, and Chapter
9-52 486, Government Code, are repealed.

9-53 SECTION 20. This Act takes effect September 1, 2013.

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