

CHAPTER 777

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1 AN ACT

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

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

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

8 Sec. 436.001. DEFINITIONS. In this chapter:

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

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

13 (3) "Defense worker" means:

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

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

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

23 (D) an employee or private contractor employed by  
24 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 shall 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) The task force established under this section must  
13 consist of not more than seven members who have demonstrated  
14 experience or expertise in the United States Department of  
15 Defense's base realignment and closure process.

16 (c) The 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



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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:

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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;

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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

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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.

David Newkum

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 1200 passed the Senate on April 25, 2013, by the following vote: Yeas 28, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Patry Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1200 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 132, Nays 2, two present not voting.

Robert Haney

Chief Clerk of the House

Approved:

14 JUNE '13

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

10 pm O'CLOCK

JUN 14 2013

[Signature]

Secretary of State