

By: Representatives Rushing, Byrd

To: Municipalities; Military
Affairs

HOUSE BILL NO. 531

1 AN ACT TO PROVIDE THAT COUNTIES AND MUNICIPALITIES IN THIS
2 STATE ARE ENCOURAGED TO COOPERATE WITH MILITARY INSTALLATIONS TO
3 ENCOURAGE COMPATIBLE LAND USE AND HELP PREVENT INCOMPATIBLE
4 ENCROACHMENT NEAR MILITARY INSTALLATIONS AND FACILITATE THE
5 CONTINUED PRESENCE OF MAJOR MILITARY INSTALLATIONS IN THIS STATE;
6 TO PROVIDE THE COUNTIES, MUNICIPALITIES AND MILITARY INSTALLATIONS
7 TO WHICH THIS ACT APPLIES; TO ENCOURAGE COUNTIES AND
8 MUNICIPALITIES TO PROVIDE MILITARY INSTALLATIONS WITH INFORMATION
9 RELATING TO LAND USE AND DEVELOPMENT WHICH WOULD AFFECT THE USE OF
10 LAND ADJACENT TO OR IN CLOSE PROXIMITY TO MILITARY INSTALLATIONS;
11 AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** (1) The Legislature finds that incompatible
14 development of land close to military installations can adversely
15 affect the ability of such installations to carry out their
16 missions. The Legislature further finds that such development
17 also threatens the public safety because of the possibility of
18 accidents occurring within the areas surrounding a military
19 installation. In addition, the economic vitality of a community
20 is affected when military operations and missions must relocate
21 because of incompatible urban encroachment. Therefore, the
22 Legislature finds it desirable for counties and municipalities in



the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in the state.

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. This section applies to specific affected counties and municipalities in proximity to and in association with specific military installations, as follows:

(a) Naval Meteorology and Oceanography Command, associated with Hancock County, Mississippi.

(b) Camp McCain, associated with the City of Grenada, Mississippi, and Grenada County, Mississippi.

(c) Camp Shelby, associated with the City of Hattiesburg, Mississippi, Forrest County, Mississippi, and Perry County, Mississippi.

(d) Columbus Air Force Base, associated with the City of Columbus, Mississippi, and Lowndes County, Mississippi.

(e) Engineer Research and Development Center, associated with the City of Vicksburg, Mississippi, and Warren County, Mississippi.

(f) Gulfport Combat Readiness Training Center, associated with the City of Gulfport, Mississippi, and Harrison County, Mississippi.



(g) Keesler Air Force Base, associated with the City of Biloxi, Mississippi, the City of D'Iberville, Mississippi, and Harrison County, Mississippi.

(h) 186th Air Refueling Wing, associated with the City of Meridian, Mississippi, and Lauderdale County, Mississippi.

(i) Naval Air Station Meridian, associated with the City of Meridian, Mississippi, the City of Marion, Mississippi, Lauderdale County, Mississippi, Kemper County Mississippi, and Noxubee County, Mississippi.

(j) Naval Construction Battalion Center Gulfport, associated with the City of Gulfport, Mississippi, the City of Long Beach, Mississippi, the City of Diamondhead, Mississippi, the City of Waveland, Mississippi, Harrison County, Mississippi, and Hancock County, Mississippi.

(k) Supervisor of Shipbuilding Gulf Coast associated with the City of Pascagoula, Mississippi, and Jackson County, Mississippi.

(l) Thompson Field Air National Guard Base, associated with the City of Jackson, Mississippi, the City of Flowood, Mississippi, and Rankin County, Mississippi.

(m) Army Aviation Support Facility Number 1 at Hawkins Field, associated with the City of Jackson, Mississippi, and Hinds County, Mississippi.



(n) Army Aviation Support Facility Number 2 at the
Tupelo Regional Airport, associated with the City of Tupelo,
Mississippi, and Lee County, Mississippi.

(3) The Mississippi Military Communities Council or
Installation Commanders Council may recommend to the Legislature
changes to the military installations and counties and
municipalities specified in subsection (2) of this section based
on the potential for impacts from encroachment on a military base,
and incompatible land uses and development.

(4) (a) (i) Each affected county or municipality is
encouraged to transmit to the commanding officer of the relevant
associated military installation or installations information
relating to proposed changes to comprehensive plans, plan
amendments, and proposed changes to land development regulations
which, if approved, would affect the intensity, density, or use of
the land adjacent to or in close proximity to the military
installation. At the request of the commanding officer, an
affected county or municipality is encouraged to also transmit to
the commanding officer copies of applications for development
orders requesting a variance or waiver from height or lighting
restrictions or noise attenuation reduction requirements within
areas defined in a county's or municipality's comprehensive plan
as being in a zone of influence of the military installation. An
affected county or municipality is encouraged to provide the
military installation an opportunity to review and comment on the



96 proposed changes. For a county or municipality without a
97 comprehensive plan or zoning, the county or municipality is
98 encouraged to transmit any plans or proposals that may affect the
99 military installation or its mission.

100 (ii) The commanding officer or his or her designee
101 may provide advisory comments to the affected county or
102 municipality on the impact such proposed changes may have on the
103 mission of the military installation. Such advisory comments
104 shall be based on appropriate data and analyses provided with the
105 comments and may include:

106 1. If the installation has an airfield,
107 whether such proposed changes will be incompatible with the safety
108 and noise standards contained in the Air Installation Compatible
109 Use Zone (AICUZ) adopted by the military installation for that
110 airfield;

111 2. Whether such changes are incompatible with
112 the Installation Environmental Noise Management Program (IENMP) of
113 the United States Army;

114 3. Whether such changes are incompatible with
115 the findings of a Joint Land Use Study (JLUS) or Compatible Use
116 Study for the area if one has been completed; and

117 4. Whether the military installation's
118 mission will be adversely affected by the proposed actions of the
119 county or municipality.



The county or municipality is encouraged to consider the commanding officer's comments, underlying studies, and reports in the same manner as the comments received from other reviewing agencies.

(iii) The affected county or municipality is encouraged to take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee pursuant to this subsection (4) as they relate to the strategic mission of the military installation, public safety, and the economic vitality associated with the installation's operations, while also respecting private property rights and not being unduly restrictive on those rights.

(iv) The commanding officer is encouraged to provide information about any community planning assistance grants that may be available to a county or municipality through programs such as those of the federal Office of Economic Adjustment as an incentive for communities to participate in a joint planning process that would facilitate the compatibility of community planning and the activities and mission of the military installation.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

