

By: Corte

H.B. No. 3302

A BILL TO BE ENTITLED

AN ACT

relating to the membership of the Texas Military Preparedness Commission.

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

SECTION 1. Section 436.051, Government Code, as renumbered from Section 436.003, Government Code, by Section 3, Chapter 149, Acts of the 78th Legislature, Regular Session, 2003, and Section 436.003, Government Code, as amended by Section 8, Chapter 1328, Acts of the 78th Legislature, Regular Session, 2003, are reenacted and amended to read as follows:

Sec. 436.051. COMPOSITION; ELIGIBILITY. (a) The commission is composed of:

(1) 13 [~~nine~~] public members, appointed by the governor; and

(2) the following ex officio members:

(A) the chair of the committee of the Texas House of Representatives that has primary jurisdiction of matters concerning defense affairs and state-federal relations; and

(B) one member of the Texas Senate appointed by the lieutenant governor.

(b) To be eligible for appointment as a public member to the commission, a person must have demonstrated experience in economic development, the defense industry, military installation operation, environmental issues, finance, local government, or the

1 use of airspace or outer space for future military missions.

2 (c) Appointments to the commission shall be made without
3 regard to the race, color, disability, sex, religion, age, or
4 national origin of the appointee.

5 SECTION 2. Section 436.052(a), Government Code, is amended
6 to read as follows:

7 (a) The 13 [~~nine~~] public members of the commission serve
8 staggered terms of six years with the terms of four or five
9 [~~one-third of the~~] members expiring February 1 of each odd-numbered
10 year. A legislative member vacates the person's position on the
11 commission if the person ceases to be the chair of the applicable
12 legislative committee.

13 SECTION 3. Section 436.101, Government Code, is amended to
14 read as follows:

15 Sec. 436.101. POWERS AND DUTIES OF COMMISSION. The
16 commission shall:

17 (1) advise the governor and the legislature on
18 military issues and economic and industrial development related to
19 military issues;

20 (2) make recommendations regarding:

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

25 (B) [~~the development of methods to improve~~
26 ~~private and public employment opportunities for former members of~~
27 ~~the military residing in this state, and~~

1 [~~(C)~~] the development of methods to assist
2 defense-dependent communities in the design and execution of
3 programs that enhance a community's relationship with military
4 installations and defense-related businesses;

5 (3) [~~develop and maintain a database of the names and~~
6 ~~public business information of all prime contractors and~~
7 ~~subcontractors operating in this state who perform defense-related~~
8 ~~work;~~

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

13 (4) [~~(5)~~] serve as a clearinghouse for:

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

17 (B) information about:

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

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

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

26 (5) [~~(6)~~] provide assistance to communities that have
27 experienced a defense-related closure or realignment;

1 (6) [~~(7)~~] assist communities in the design and
2 execution of programs that enhance a community's relationship with
3 military installations and defense-related businesses, including
4 regional alliances that may extend over state lines;

5 (7) [~~(8)~~] assist communities in the retention and
6 recruiting of defense-related businesses, including fostering
7 strategic regional alliances that may extend over state lines;

8 ~~[(9) prepare a biennial strategic plan that:~~

9 ~~[(A) fosters the enhancement of military value of
10 the contributions of Texas military installations to national
11 defense strategies;~~

12 ~~[(B) considers all current and anticipated base
13 realignment and closure criteria; and~~

14 ~~[(C) develops strategies to protect the state's
15 existing military missions and positions the state to be
16 competitive for new and expanded military missions;]~~ and

17 (8) [~~(10)~~] encourage economic development in this
18 state by fostering the development of industries related to defense
19 affairs.

20 SECTION 4. Sections 436.103(b) and (d), Government Code,
21 are amended to read as follows:

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

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

3 (2) a statewide assessment of active military
4 installations and current missions;

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

8 (4) a list of state and federal activities that have
9 significant impact on active military installations and current
10 missions;

11 (5) a statement identifying:

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

15 (B) the efforts to coordinate state agency
16 programs and services that assist communities in retaining active
17 military installations and current missions;

18 (6) an evaluation of initiatives to retain existing
19 defense-related businesses; and

20 (7) a list of agencies with regulations, policies,
21 programs, or services that impact the operating costs or strategic
22 value of federal military installations and activities in the
23 state.

24 (d) The commission shall periodically meet [~~coordinate~~
25 ~~annual meetings~~] with [~~the head of~~] each state agency that has
26 defense-related programs or is engaged in a project in a
27 defense-dependent community and with each [~~or~~] member of the

1 legislature whose district contains an active, closed, or realigned
2 military installation to discuss defense-related issues and the
3 implementation of the recommendations outlined in the report
4 required under Subsection (b).

5 SECTION 5. The heading to Section 436.152, Government Code,
6 is amended to read as follows:

7 Sec. 436.152. ANALYSIS OF PROJECTS THAT ADD MILITARY VALUE;
8 FINANCING.

9 SECTION 6. Subchapter D, Chapter 436, Government Code, is
10 amended by adding Section 436.1521 to read as follows:

11 Sec. 436.1521. ANALYSIS OF ECONOMIC DEVELOPMENT PROJECTS;
12 FINANCING. (a) A defense community may submit the community's
13 economic redevelopment value statement prepared under Chapter 397,
14 Local Government Code, to the commission.

15 (b) On receiving a defense community's economic
16 redevelopment value statement, the commission shall analyze the
17 projects included in the statement using the criteria it has
18 developed. The commission shall develop project analysis criteria
19 to determine the potential economic impact a project will have on
20 the defense community.

21 (c) The commission shall determine whether each project
22 identified in the defense community's economic redevelopment value
23 statement will have a positive economic impact on the defense
24 community. The commission shall assist the community in
25 prioritizing the projects according to the greatest potential
26 positive economic impact to the defense community.

27 (d) The commission shall refer the defense community to the

1 appropriate state agency that has an existing program to provide
2 financing for each project identified in the community's economic
3 redevelopment value statement. If there is no existing program to
4 finance a project, the commission may provide a loan of financial
5 assistance to the defense community for the project.

6 SECTION 7. Subchapter D, Chapter 436, Government Code, is
7 amended by adding Section 436.1531 to read as follows:

8 Sec. 436.1531. LOANS FOR COMMUNITIES ADVERSELY AFFECTED BY
9 DEFENSE BASE REDUCTION. (a) The commission may provide a loan of
10 financial assistance to a defense community for an economic
11 development project that minimizes the negative effects of a
12 defense base reduction on the defense community. The loan shall be
13 made from the Texas military value revolving loan account
14 established under Section 436.156.

15 (b) On receiving an application for a loan under this
16 section, the commission shall evaluate the economic development
17 project to determine how the project will minimize the negative
18 effects of a defense base reduction on the defense community,
19 including the number of jobs that the project will create and the
20 economic impact the project will have on the community.

21 (c) If the commission determines that a project will reduce
22 the negative effects of a defense base reduction on the defense
23 community, the commission shall:

24 (1) analyze the creditworthiness of the defense
25 community to determine the defense community's ability to repay the
26 loan; and

27 (2) evaluate the feasibility of the project to be

1 financed to ensure that the defense community has pledged a source
2 of revenue or taxes sufficient to repay the loan for the project.

3 (d) If the commission determines that the funds will be used
4 to finance an economic development project that will reduce the
5 negative effects of a defense base reduction on the defense
6 community and that the project is financially feasible, the
7 commission may award a loan to the defense community for the
8 project. The commission shall enter into a written agreement with a
9 defense community that is awarded a loan. The agreement must
10 contain the terms and conditions of the loan, including the loan
11 repayment requirements.

12 (e) The commission shall notify the Texas Public Finance
13 Authority of the amount of the loan and the recipient of the loan
14 and request the authority to issue general obligation bonds in an
15 amount necessary to fund the loan. The commission and the authority
16 shall determine the amount and time of a bond issue to best provide
17 funds for one or multiple loans.

18 (f) The commission shall administer the loans to ensure full
19 repayment of the general obligation bonds issued to finance the
20 project.

21 (g) A project financed with a loan under this section must
22 be completed on or before the fifth anniversary of the date the loan
23 is awarded.

24 (h) The amount of a loan under this section may not exceed
25 the total cost of the project.

26 SECTION 8. Chapter 397, Local Government Code, is amended
27 by adding Section 397.0021 to read as follows:

1 Sec. 397.0021. DEFENSE COMMUNITY ECONOMIC REDEVELOPMENT
2 VALUE STATEMENT. (a) A defense community that is adjacent to a
3 closed military installation and applies for financial assistance
4 from the Texas military value revolving loan account shall prepare
5 an economic redevelopment value statement that illustrates
6 specific ways the funds will be used to promote economic
7 development in the community and include the following information
8 for each project:

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

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

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

14 (4) whether any portion of the project is to occur on a
15 closed military installation;

16 (5) whether any approval has been obtained from those
17 authorities retaining or receiving title to that portion of the
18 closed installation to be affected by the project;

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

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

23 (b) The Texas Military Preparedness Commission may require
24 a defense community to provide any additional information the
25 commission requires to evaluate the community's request for
26 financial assistance under this section.

27 (c) Two or more defense communities near the same defense

1 base that apply for financial assistance from the Texas military
2 value revolving loan account may prepare a joint statement.

3 (d) A copy of the economic redevelopment value statement
4 shall be distributed to the Texas Military Preparedness Commission
5 and any defense community which may be affected by the resulting
6 project.

7 (e) This section does not prohibit a defense community that
8 is not applying for financial assistance from preparing an economic
9 redevelopment value statement under this section.

10 SECTION 9. (a) Not later than October 1, 2005, the governor
11 shall appoint the four additional public members of the Texas
12 Military Preparedness Commission as required by Section 436.051,
13 Government Code, as amended by this Act. The governor shall
14 appoint:

15 (1) one public member to serve a term expiring
16 February 1, 2007;

17 (2) one public member to serve a term expiring
18 February 1, 2009; and

19 (3) two public members to serve terms expiring
20 February 1, 2011.

21 (b) Until all of the members appointed under this section
22 have qualified for office, a quorum of the commission is a majority
23 of the number of members who have qualified for office.

24 SECTION 10. This Act takes effect September 1, 2005.