

1-1 By: Madla S.B. No. 1090
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Subcommittee on Base Realignment and
1-4 Closure; March 30, 2005, reported adversely, with favorable
1-5 Committee Substitute to Committee on Veteran Affairs and Military
1-6 Installations; April 18, 2005, reported adversely, with favorable
1-7 Committee Substitute from Committee on Veteran Affairs and Military
1-8 Installations by the following vote: Yeas 5, Nays 0;
1-9 April 18, 2005, sent to printer.)

1-10 COMMITTEE SUBSTITUTE FOR S.B. No. 1090 By: Shapleigh

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to the powers and duties of a defense base development
1-14 authority.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Subsection (a), Section 379B.004, Local
1-17 Government Code, is amended to read as follows:

1-18 (a) An authority may exercise power necessary or convenient
1-19 to carry out a purpose of this chapter, including the power to:

1-20 (1) adopt an official seal, or alter it;
1-21 (2) adopt rules;
1-22 (3) enter into a contract or incur a liability;
1-23 (4) acquire and dispose of money;
1-24 (5) select a depository;
1-25 (6) establish a system of accounts for the authority;
1-26 (7) invest funds in accordance with Chapter 2256,
1-27 Government Code;

1-28 (8) set the fiscal year for the authority;

1-29 (9) adopt an annual operating budget for major
1-30 expenditures before the beginning of the fiscal year;

1-31 (10) borrow money or issue a bond in an amount that
1-32 does not exceed the maximum amount set by the board [~~governing body~~
1-33 ~~of the municipality~~];

1-34 (11) loan money;

1-35 (12) acquire, lease, lease-purchase, convey, grant a
1-36 mortgage on, or otherwise dispose of a property right, including a
1-37 right regarding base property;

1-38 (13) lease property located on the base property to a
1-39 person to effect the purposes of this chapter;

1-40 (14) request and accept a donation, grant, guaranty,
1-41 or loan from any source permitted by law;

1-42 (15) operate and maintain an office;

1-43 (16) charge for a facility or service;

1-44 (17) exercise a power granted to a municipality by
1-45 Chapter 380;

1-46 (18) authorize by resolution the incorporation of a
1-47 nonprofit airport facility financing corporation as provided and
1-48 authorized by Subchapter E, Chapter 22, Transportation Code, to
1-49 provide financing to pay the costs, including interest, and
1-50 reserves for the costs of an airport facility authorized by that
1-51 chapter and for other purposes set forth in the articles of
1-52 incorporation; ~~and~~

1-53 (19) exercise the powers granted to a local government
1-54 for the financing of facilities to be located on airport property,
1-55 including those set out in Chapter 22, Transportation Code,
1-56 consistent with the requirements and the purposes of Section 52-a,
1-57 Article III, Texas Constitution;

1-58 (20) lease, own, and operate an airport and exercise
1-59 the powers granted to municipalities and counties by Chapter 22,
1-60 Transportation Code;

1-61 (21) lease, own, and operate port facilities for air,
1-62 trucking, and rail transportation;

1-63 (22) provide security for port functions, facilities,

2-1 and operations; and
2-2 (23) cooperate with and participate in programs and
2-3 security efforts of this state and the federal Department of
2-4 Homeland Security.

2-5 SECTION 2. Subsection (a), Section 379B.010, Local
2-6 Government Code, is amended to read as follows:

2-7 (a) An authority may issue bonds if authorized by board
2-8 resolution [~~only if the municipality that established the authority~~
2-9 ~~authorizes the issuance by resolution~~].

2-10 SECTION 3. Subsection (b), Section 379B.011, Local
2-11 Government Code, is amended to read as follows:

2-12 (b) Section 25.07(a), Tax Code, applies to a leasehold or
2-13 other possessory interest in real property granted by an authority
2-14 for a project designated under Section 379B.009(a) in the same
2-15 manner as it applies to a leasehold or other possessory interest in
2-16 real property constituting a project described by Section 4B(k),
2-17 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
2-18 Civil Statutes), except for the requirement in Section 4B(k) that
2-19 the voters of the municipality that created the authority have
2-20 authorized the levy of a sales and use tax for the benefit of the
2-21 authority.

2-22 SECTION 4. The changes in law made by this Act apply only to
2-23 the borrowing of money or the issuance of an interest-bearing
2-24 obligation that occurs on or after the effective date of this Act.
2-25 The borrowing of money or the issuance of an interest-bearing
2-26 obligation that occurred before the effective date of this Act is
2-27 governed by the law as it existed when the money was borrowed or the
2-28 interest-bearing obligation was issued, and the former law is
2-29 continued in effect for that purpose. Any interest-bearing
2-30 obligation issued by a defense base development authority before
2-31 the effective date of this Act that was validly issued by the
2-32 authority remains valid, enforceable, and binding and shall be paid
2-33 in full, both principal and interest, in accordance with its terms
2-34 and from the sources pledged to the payment of the interest-bearing
2-35 obligation.

2-36 SECTION 5. This Act takes effect September 1, 2005.

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