

AN ACT

relating to the powers of a defense base development authority.

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

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

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

- (1) adopt an official seal, or alter it;
- (2) adopt rules;
- (3) enter into a contract or incur a liability;
- (4) acquire and dispose of money;
- (5) select a depository;
- (6) establish a system of accounts for the authority;
- (7) invest funds in accordance with Chapter 2256, Government Code;
- (8) set the fiscal year for the authority;
- (9) adopt an annual operating budget for major expenditures before the beginning of the fiscal year;
- (10) borrow money or issue a bond in an amount that does not exceed the maximum amount set by the board;
- (11) loan money;
- (12) acquire, lease, lease-purchase, convey, grant a mortgage on, or otherwise dispose of a property right, including a right regarding base property;

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

3           (14) request and accept a donation, grant, guaranty,  
4 or loan from any source permitted by law;

5           (15) operate and maintain an office;

6           (16) charge for the use, lease, or sale of an open  
7 space or a facility [~~or service~~];

8           (17) exercise a power granted to a municipality by  
9 Chapter 380;

10          (18) authorize by resolution the incorporation of a  
11 nonprofit airport facility financing corporation as provided and  
12 authorized by Subchapter E, Chapter 22, Transportation Code, to  
13 provide financing to pay the costs, including interest, and  
14 reserves for the costs of an airport facility authorized by that  
15 chapter and for other purposes set forth in the articles of  
16 incorporation;

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

22          (20) lease, own, and operate an airport and exercise  
23 the powers granted to municipalities and counties by Chapter 22,  
24 Transportation Code;

25          (21) lease, own, and operate port facilities for air,  
26 trucking, and rail transportation;

27          (22) provide security for port functions, facilities,

1 and operations; and

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

5 SECTION 2. Chapter 379B, Local Government Code, is amended  
6 by adding Sections 379B.0042 and 379B.0043 to read as follows:

7 Sec. 379B.0042. SERVICES. An authority may charge for a  
8 service provided, including:

9 (1) professional consultation services provided in  
10 relation to international trade, planning, land use, or  
11 construction;

12 (2) real estate development services, including an  
13 employee licensed under Chapter 1101, Occupations Code, acting as a  
14 broker;

15 (3) support or participation in the acquisition of  
16 venture capital to finance the authority's redevelopment project,  
17 both inside and outside the authority;

18 (4) participation in or assistance on a joint venture  
19 composed of both public and private entities;

20 (5) promotion of an activity that creates employment  
21 opportunities; and

22 (6) any other service provided in relation to a  
23 project undertaken by the authority, alone or with others, to  
24 fulfill an authority purpose or objective.

25 Sec. 379B.0043. TRANSPORTATION PROJECT. (a) An authority  
26 may implement a transportation project:

27 (1) on the base property; or

1           (2) outside of the base property to provide access to  
2 the base property.

3           (b) An authority may enter into an agreement with any  
4 person, including another governmental entity, to plan, finance,  
5 construct, or maintain a project described by Subsection (a).

6           (c) An authority may construct a building, loading dock, or  
7 other facility as part of a transportation project described by  
8 Subsection (a)(1).

9           SECTION 3. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 447 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 447 on May 24, 2011, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 447 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor