

SENATE AMENDMENTS

2nd Printing

By: Menendez

H.B. No. 447

A BILL TO BE ENTITLED

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 Section 379B.0042 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 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 19 2011

Atty Gen
Secretary of the Senate

Brian Sidwell

By:

[Signature]

H.B. No. 447

Substitute the following for H.B. No. 447:

By:

Brian Sidwell

C.S. H.B. No. 447

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- (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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB447 by Menendez (Relating to the powers of a defense base development authority.), As
Passed 2nd House

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to permit a defense base development authority to charge for the use, lease, or sale of an open space, and for services including professional consultation or real estate development; support or participation in acquisition of venture capital; and any other services provided by the authority that are related to a project.

The bill also would authorize a defense base development authority to implement a transportation project on the base property or outside the base property to provide access to the base and to enter into an agreement to plan, finance, construct or maintain the project.

Local Government Impact

According to the Texas Municipal League (TML), there would be no fiscal impact to municipalities to implement the provisions of the bill.

Source Agencies:

LBB Staff: JOB, SD, KM, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 28, 2011

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB447 by Menendez (Relating to the powers of a defense base development authority.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to permit a defense base development authority to charge for the use, lease, or sale of an open space, and for services including professional consultation or real estate development; support or participation in acquisition of venture capital; and any other services provided by the authority that are related to a project.

The bill also would authorize a defense base development authority to implement a transportation project on the base property or outside the base property to provide access to the base and to enter into an agreement to plan, finance, construct or maintain the project.

Local Government Impact

According to the Texas Municipal League (TML), there would be no fiscal impact to municipalities to implement the provisions of the bill.

Source Agencies:

LBB Staff: JOB, KM, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

TO: Honorable Leticia Van de Putte, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB447 by Menendez (Relating to the powers of a defense base development authority.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize a defense base development authority to charge for the use, lease, or sale of an open space, and for services including professional consultation or real estate development; support or participation in acquisition of venture capital; and any other services provided by the authority that are related to a project.

Local Government Impact

According to the Texas Municipal League (TML), there would be no fiscal impact to municipalities to implement the provisions of the bill.

Source Agencies:

LBB Staff: JOB, KM, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 4, 2011

TO: Honorable Joseph Pickett, Chair, House Committee on Defense & Veterans' Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB447 by Menendez (Relating to the powers of a defense base development authority.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize a defense base development authority to charge for the use, lease, or sale of an open space, and for services including professional consultation or real estate development; support or participation in acquisition of venture capital; and any other services provided by the authority that are related to a project.

Local Government Impact

According to the Texas Municipal League (TML), there would be no fiscal impact to municipalities to implement the provisions of the bill.

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LBB Staff: JOB, KM, TP