

BILL ANALYSIS

C.S.H.B. 2388
By: Menéndez
Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested individuals assert that the purpose of defense base development authorities is to take the land and buildings of a former military installation and to repurpose those assets for the economic benefit of the surrounding community. These individuals contend that defense base development authorities should not be subject to statutory provisions relating to public and private facilities and infrastructure for a number of reasons, including that such authorities are not supported by public funds in the daily operations of their facilities or in the repurposing of assets and that such authorities are self-sustaining, generating operating revenues from the leases or sale of land. These individuals also note that circumstances in which public funds are used by such authorities are very limited and the grants for those circumstances are subject to that state law. C.S.H.B. 2388 seeks to address this issue by granting a defense base development authority more freedom in determining the award of a contract.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2388 amends the Local Government Code to make inapplicable to a defense base development authority or project of an authority certain provisions relating to public and private facilities and infrastructure and relating to contracting and delivery procedures for construction projects, either as provisions of Chapter 2267 and Chapter 2269, Government Code, or as provisions of Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, and Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, depending on the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes becoming law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2388 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 2. (a) This section takes effect only if the Act of the 83rd Legislature,

SECTION 1. Chapter 379B, Local Government Code, is amended by adding Section 379B.0012 to read as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, does not apply to an authority or a project of an authority.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes does not become law.

(b) Chapter 379B, Local Government Code, is amended by adding Section 379B.0012 to read as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, and Chapter 2267, Government Code, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, do not apply to an authority or a project of an authority.

SECTION 1. (a) This section takes effect only if the Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Chapter 379B, Local Government Code, is amended by adding Section 379B.0012 to read as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. Chapters 2267 and 2269, Government Code, do not apply to an authority or a project of an authority.

SECTION 3. Same as introduced version.