

BILL ANALYSIS

S.B. 1200
By: Van de Putte
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A legislative committee, in its interim report to the 83rd Texas Legislature, made a number of recommendations regarding the Texas Military Preparedness Commission, including that the commission serve as a conduit for increased coordination between the Texas Commanders Council and state agencies, that the commission meet with the Texas Commanders Council at least once a year, and that eligibility for access to defense economic adjustment assistance grants be expanded to allow communities to respond to either formal or informal actions at the federal level that may result in the gain or loss of military or defense-related industry. S.B. 1200 seeks to address each of these recommendations by updating current law relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Military Preparedness Commission in SECTION 3 of this bill.

ANALYSIS

S.B. 1200 amends the Government Code to specify that the ex officio members of the Texas Military Preparedness Commission include the chair of the house committee having primary jurisdiction of matters concerning defense affairs and military affairs, rather than of matters concerning defense affairs and state-federal relations, and the chair of the senate committee having primary jurisdiction of matters concerning defense affairs and military affairs, rather than of one state senator appointed by the lieutenant governor. The bill specifies that the commission is required to advise the governor and the legislature on defense and military issues, rather than military issues and economic and industrial development related to military issues. The bill requires the commission to meet not less than once each year with the Texas Commanders Council to discuss the goals and challenges facing military installations and develop recommendations for improvements; to discuss ways the state can enhance and complement the mission of the military installations in Texas; and to discuss services available to assist transitioning military service members and their families. The bill requires the commission to act as a liaison to improve coordination among the Texas Commanders Council and relevant state agencies.

S.B. 1200 transfers and redesignates statutory provisions applicable specifically to the commission's administration of assistance for local areas affected by defense restructuring, including the administration of defense economic adjustment assistance grants, the use of grant money to carry out commission duties, and the adoption of necessary rules to implement those provisions, and adds those functions to the statutory provision setting out the commission's overall general powers and duties, expanding the scope of the rulemaking requirement to all of the commission's regulatory functions.

S.B. 1200 expands the required content of the commission's biennial report to the governor and

the legislature regarding active military installations, communities that depend on military installations, and defense-related businesses in Texas to require inclusion of a summary of the commission's meetings with the Texas Commanders Council, including recommendations, goals, and challenges based on those meetings. The bill authorizes the commission to establish a task force to seek advice to prepare for possible action by the U.S. Department of Defense related to the realignment or closure of military installations in Texas. The bill requires the task force to consist of not more than seven members who have demonstrated experience or expertise in the U.S. Department of Defense's base realignment and closure process. The bill requires the task force to confer with defense communities and military installations located in Texas to identify strategies, policies, plans, projects, and other ways to improve base realignment scores and to advise and make recommendations to the commission and the legislature on any strategy, policy, plan, project, or action the task force believes will strengthen the defense communities and military installations in the state and prevent the closure or a significant reduction of the operations of the military installations.

S.B. 1200 transfers and redesignates statutory provisions establishing defense economic adjustment assistance grants for local government entities affected by defense base restructuring to the bill's provisions setting out the commission's authority to award such grants, including provisions relating to grant eligibility, grant criteria, use of grant proceeds, application for a grant, evaluation of a grant application, making a grant, and related contingencies for defense communities with more than one military base. The bill clarifies that an eligible local governmental entity may be awarded a grant if the commission determines that the entity may be either adversely or positively affected by an anticipated, planned, announced, or implemented action of the U.S. Department of Defense to close, reduce, increase, or otherwise realign defense worker jobs or facilities. The bill authorizes the commission to make a grant to such an entity from money appropriated for that purpose in order to enable the entity to match money or meet an investment requirement necessary to receive federal assistance provided to the local governmental entity for responding to or recovering from such a federal action to close, reduce, increase, or otherwise realign defense worker jobs or facilities, and to construct infrastructure and other projects necessary to reduce the impact of an action of the U.S. Department of Defense that will negatively impact a defense facility located in or near the entity. The bill authorizes a public junior college district that is wholly or partly located in a defense community or a campus or education extension center of the Texas State Technical College System that is located in a defense community to use grant proceeds to purchase or lease equipment to train defense workers whose jobs have been threatened or lost because of an anticipated, planned, announced, or implemented action of the U.S. Department of Defense to close, reduce, increase, or otherwise realign defense worker jobs or facilities in accordance with the revised criteria for the commission's determination regarding whether an adverse or positive affect of an anticipated, planned, announced, or implemented federal action justifies the award of a grant.

S.B. 1200 amends the Local Government Code to update references in statute to a defense base or a military installation and to a defense base's or installation's military value to refer instead to a military base or defense facility, as defined by the bill, and to such base's or facility's military or defense value, respectively, for purposes of regulating strategic planning for such bases and facilities, including provisions relating to a military base or defense facility value enhancement statement, a defense community economic redevelopment value statement, a comprehensive defense community strategic impact plan, an accompanying planning manual, and consultation with or notification to military base or defense facility authorities regarding a proposed ordinance, rule, or plan or regarding a proposed structure. The bill, for these purposes, removes the definition of "defense base" and instead defines "defense facility" to mean a government agency, private business, or other entity providing a U.S. Department of Defense related function or a private business that provides direct services or products to the U.S. Department of Defense and defines "military base" to mean a federally owned or operated military installation or facility that is presently functioning or was closed as a result of the U.S. Department of Defense base realignment process.

S.B. 1200 amends the Government Code to update references in statute to military value to instead refer to military base or defense facility value, and references to a military facility to instead refer to a military base or defense facility, for purposes of the bill's provisions relating to the analysis and financing of projects that enhance military or defense value and providing for financial assistance loans for such projects, provisions establishing loans for communities positively affected by defense base restructuring, and provisions authorizing a defense community to incur debt. The bill, in provisions setting out the criteria authorizing the executive director of the Texas Economic Development and Tourism Office in the office of the governor to award a loan to a defense community for a project that will enhance the military or defense value of a military base or defense facility, includes confirmation by the commission that the funds will be used to overcome an action of the U.S. Department of Defense that will negatively impact the military base or defense facility.

S.B. 1200 repeals the following provisions of the Government Code:

- Section 436.151
- Chapter 486

EFFECTIVE DATE

September 1, 2013.