

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Menendez

H.B. No. 2388

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of certain contracting laws to a  
3 defense base development authority.

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

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

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

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

14 SECTION 2. (a) This section takes effect only if the Act of  
15 the 83rd Legislature, Regular Session, 2013, relating to  
16 nonsubstantive additions to and corrections in enacted codes does  
17 not become law.

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

20 Sec. 379B.0012. APPLICATION OF OTHER LAW. Chapter 2267,  
21 Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the  
22 82nd Legislature, Regular Session, 2011, and Chapter 2267,  
23 Government Code, as added by Chapter 1129 (H.B. 628), Acts of the  
24 82nd Legislature, Regular Session, 2011, do not apply to an

1 authority or a project of an authority.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2013.

**ADOPTED**

MAY 22 2013

*Satya Sew*  
Secretary of the Senate

By: [Signature]

H.B. No. 2558

Substitute the following for H.B. No. 2388:

By: [Signature]

C.S. H.B. No. 2388

A BILL TO BE ENTITLED

AN ACT

relating to the application of certain contracting laws to a defense base development authority.

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

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. (a) In this section, "qualifying project" means any real estate project involving the construction of:

(1) tenant finish-out or construction of a build-to-suit facility for a tenant who, through the execution of a lease with an authority, pays for or reimburses the authority for the cost of the improvements;

(2) infrastructure improvements, including roads, driveways, or utility extensions, made in connection with the sale or lease of property owned by the authority and for which the proceeds of the sale or the lease are used to reimburse the authority for the infrastructure improvements; or

(3) an income-producing facility that generates revenue for the authority and that is constructed by a private

1 developer with special expertise in development.

2 (b) Chapters 2267 and 2269, Government Code, do not apply to  
3 a qualifying project of an authority.

4 SECTION 2. (a) This section takes effect only if the Act of  
5 the 83rd Legislature, Regular Session, 2013, relating to  
6 nonsubstantive additions to and corrections in enacted codes does  
7 not become law.

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

10 Sec. 379B.0012. APPLICATION OF OTHER LAW. (a) In this  
11 section, "qualifying project" means any real estate project  
12 involving the construction of:

13 (1) tenant finish-out or construction of a  
14 build-to-suit facility for a tenant who, through the execution of a  
15 lease with an authority, pays for or reimburses the authority for  
16 the cost of the improvements;

17 (2) infrastructure improvements, including roads,  
18 driveways, or utility extensions, made in connection with the sale  
19 or lease of property owned by the authority and for which the  
20 proceeds of the sale or the lease are used to reimburse the  
21 authority for the infrastructure improvements; or

22 (3) an income-producing facility that generates  
23 revenue for the authority and that is constructed by a private  
24 developer with special expertise in development.

25 (b) Chapter 2267, Government Code, as added by Chapter 1334  
26 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011,  
27 and Chapter 2267, Government Code, as added by Chapter 1129 (H.B.

1 628), Acts of the 82nd Legislature, Regular Session, 2011, do not  
2 apply to a qualifying project of an authority.

3       SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2388** by Menéndez (Relating to the application of certain contracting laws to a defense base development authority.). **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, SD, KJo, RB, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2388** by Menéndez (Relating to the application of certain contracting laws to a defense base development authority. ), **Committee Report 2nd House, Substituted**

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| <b>No fiscal implication to the State is anticipated.</b> |
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KJo, RB, TP

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 10, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2388** by Menéndez (Relating to the application of certain contracting laws to a defense base development authority.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KJo, RB, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 23, 2013**

**TO:** Honorable John Davis, Chair, House Committee on Economic & Small Business  
Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2388** by Menéndez (Relating to the application of certain contracting laws to a  
defense base development authority.), **Committee Report 1st House, Substituted**

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| <b>No fiscal implication to the State is anticipated.</b> |
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, RB, TP

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 5, 2013**

**TO:** Honorable John Davis, Chair, House Committee on Economic & Small Business  
Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2388** by Menéndez (Relating to the application of the public and private facilities and infrastructure law to a defense base development authority.), **As Introduced**

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|---|
| <b>No fiscal implication to the State is anticipated.</b> |
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, RB, TP