

BILL ANALYSIS

Senate Research Center
83R6975 YDB-D

H.B. 2388
By: Menéndez (Van de Putte)
Veteran Affairs & Military Installations
5/10/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2388 is intended to make Texas more competitive in recruiting new businesses. This bill is intended to exempt any redevelopment project of a defense base development authority created under Chapter 379B (Defense Base Development Authorities), Local Government Code, from conditions set by Chapter 2267 (Contracting and Delivery Procedures for Construction Projects), Government Code.

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. Defense base development authorities should not be subject to statutory provisions relating to public and private facilities and infrastructure because such authorities are not supported by public funds in the daily operations of their facilities or in the repurposing of assets. Instead, such authorities are self-sustaining, generating operating revenues from the leases or sale of land. Additionally, 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.

H.B. 2388 addresses this issue by granting a defense base development authority more freedom in determining the award of a contract. H.B. 2388 will exempt redevelopment projects from the competitive bid process. This bill will make Government Code chapters consistent with local codes.

H.B. 2388 amends current law relating to the application of certain contracting laws to a defense base development authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Provides that 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) Amends Chapter 379B, Local Government Code, by adding Section 379B.0012, as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. Provides that Chapters 2267 (Contracting and Delivery Procedures for Construction Projects) and 2269, Government Code, do not apply to a defense base development authority established under this chapter (Defense Base Development Authorities) (authority) or a project of an authority.

SECTION 2. (a) Provides that 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 does not become law.

(b) Amends Chapter 379B, Local Government Code, by adding Section 379B.0012, as follows:

Sec. 379B.0012. APPLICATION OF OTHER LAW. Provides that 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 3. Effective date: upon passage or September 1, 2013.