

BILL ANALYSIS

Senate Research Center

S.B. 1794
By: Ratliff
Infrastructure
4/12/1999
Committee Report (Amended)

DIGEST

Currently, Texas law authorizes the Red River Redevelopment Authority (authority) to accept title to the land and property of the Red River Army Depot from the Department of Defense in response to the Federal Base Closure Act realignment. The redevelopment of the property depends on the ability of the authority to provide utility services to potential commercial and industrial tenants. S.B. 1794 would authorize the authority to operate all utility systems on the property.

PURPOSE

As proposed, S.B. 1794 sets forth the powers and duties of the Red River Redevelopment Authority and validates certain acts of the authority.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of the Red River Redevelopment Authority in SECTION 3 (Section 3c, Article 1269j-18, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1(4), (5), and (6), Chapter 831, Article 1269j-18, V.T.C.S., to redefine “cities,” “property,” and “eligible project.”

SECTION 2. Amends Section 2, Article 1269j-18, V.T.C.S., to provide that the creation, establishment, and organization of the Red River Redevelopment Authority (authority) are validated, ratified, approved, and confirmed. Provides that the boundaries of the authority are coterminous with the boundaries of the real property described in Section 8A of this Act. Authorizes the boundaries of the authority to be expanded from time to time as additional real property, if any is conveyed to the authority by the United States of America. Set forth certain provisions regarding the authority as a governmental entity. Requires the authority to be subject to the regulatory authority of the state or any agencies of the state to the same extent as a municipal corporation. Deletes text regarding adoption of a resolution.

SECTION 3. Amends Section 3, Article 1269j-18, V.T.C.S., by amending Subsections (b) and (c) and adding Subsections (h) and (i), to provide that the board of directors of the authority is composed of certain members including one member appointed, rather than at large elected, by a the mayor of Red Lick, Texas. Authorizes the board, by rule or resolution, to provide for the appointment of members of the board in alternate years and to determine the number and manner of deciding which members will be appointed in odd-numbered years and which shall be appointed in even-numbered years. Prohibits a board member from being entitled to compensation for services on the board but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a board member. Prohibits a position on the board from being construed to be a civil office of emolument for any purpose, including those purposes described in Section 40, Article XVI, Texas Constitution. Authorizes elected officials of the county and cities to serve on the board without penalty of forfeiture of office. Requires the provisions of this section to prevail and be given effect, in the event of any conflict between this section and any provision of statutory or common law which would in any way prevent the elected officials from serving on the board. Requires a conflict of interest, under either statutory or common law, for any board member regarding a particular matter to come before the board to be governed by Chapter 171, Local Government Code.

SECTION 4. Amends Article 1269j-18, V.T.C.S., by amending Sections 4 and 5, as follows:

Sec. 4. PURPOSE. Creates the authority to accept title on approval by and in coordination with the governor from the United States to all or any portion of the property within, adjacent to, or related to the property described in Section 8A of this Act. Requires the property to consist of any property, whether real, personal, or mixed, and any rights, whether tangible or intangible, assets, benefits, or improvements related to the existence, development, operation, or maintenance of the property and commercial activities within or related to the property. Deletes text regarding excess personal and real property. Sets forth purposes for which the creation of the authority is necessary. Makes conforming changes.

Sec. 5. POWERS AND DUTIES OF THE AUTHORITY. Sets forth certain powers and duties of the authority. Requires the provisions of this Act to prevail to the extent the general laws may be inconsistent or in conflict with this Act. Sets forth the intentions of the legislature regarding required powers and authority. Makes conforming changes.

SECTION 5. Amends Article 1269j-18, V.T.C.S., by amending Sections 7 and 8 and adding Section 8A, as follows:

Sec. 7. DISSOLUTION. Provides that it is the intention of the legislature that the authority be dissolved with the approval of the cities and county governing bodies, after the conveyance and sale of all of the property.

Sec. 8. SUCCESSOR. Requires Bowie County to transfer certain assets. Requires such transfer of assets to be made without the requirement of public notice or bidding; provided this provision shall not authorize the transfer of public funds of Bowie County, other than the funds described by this section except as may be otherwise provided by law.

Sec. 8A. AUTHORITY PROPERTY. Requires the initial property comprising the authority to be a certain tract or real property located in Bowie County, Texas, as conveyed, or to be conveyed, in or one or more parcels by the USA to the authority. Sets forth the property legal description.

SECTION 6. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 6.

Deletes proposed SECTIONS 6 and 7, containing the effective date of September 1, 1999 and the emergency clause; and moves the emergency clause to SECTION 6, with an effective date of upon passage.