

- SUBJECT:** Local government use of contracts to purchase electricity
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 10 ayes — Cook, Frullo, Gallego, Geren, Harless, Hilderbran, Huberty, Oliveira, Solomons, Turner
- 0 nays
- 3 absent — Menendez, Craddick, Smithee
- SENATE VOTE:** On final passage, April 20 — 29-2 (Fraser, Hegar)
- WITNESSES:** For — (*Registered, but did not testify:* Thomas Brocato, Texas Coalition for Affordable Power (TCAP))
- Against — None
- BACKGROUND:** Local Government Code, ch. 271 governs the purchasing and contracting authority of municipalities, counties, and certain other local governments. Subch. A, known as the Public Property Finance Act, was created to give governmental agencies a means to acquire, use, or finance public property.
- Sec. 271.003 lists the definitions applicable to the act. Subdivision (8) of that section defines personal property as including appliances, equipment, facilities, and furnishings, or an interest in personal property, whether movable or fixed, considered necessary, useful, or appropriate to one or more purposes of the agency, as determined by the governing body. It includes all materials and labor incident to the installation of personal property. Real property is not considered personal property under the act.
- DIGEST:** SB 1393 would add electricity to the definition of personal property under the Public Property Finance Act.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.