



13 MAY 13 AM 9:00  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: *[Signature]*

1 Amend S.B. No. 211 (house committee report) as follows:

2 (1) On page 19, line 15, strike "Subdivision (1-a)" and  
3 substitute "Subdivisions (1-a) and (9-b)".

4 (2) On page 19, between lines 18 and 19, insert the  
5 following:

6 (9-b) "Proposer" means a private entity that submits a  
7 proposal for a qualifying project to a responsible governmental  
8 entity.

9 (3) On page 20, line 26, between "project" and "does",  
10 insert "involving a state facility or state-owned land".

11 (4) On page 21, line 10, between "senator" and "selected",  
12 insert "from the area impacted by the project,".

13 (5) On page 21, lines 12-13, between "representatives" and  
14 "selected", insert "from the area impacted by the project,".

15 (6) On page 24, line 16, strike "Subsection (d)" and  
16 substitute "Subsections (c-1) and (d)".

17 (7) On page 25, line 18, between "(7)" and "include", insert  
18 the following:

19 for a proposed qualifying project to improve real property, require  
20 the responsible governmental entity to evaluate the project's  
21 design quality, life-cycle costs, and relationship to any relevant  
22 comprehensive planning or zoning requirements;

23 (8)

24 (8) On page 26, line 1, strike "(8)" and substitute  
25 "(9) [~~(8)~~]".

26 (9) On page 26, line 7, strike "(9)" and substitute  
27 "(10) [~~(9)~~]".

28 (10) On page 26, line 12, strike "(10)" and substitute  
29 "(11) [~~(10)~~]".

1 (11) On page 27, line 15, between "performed by" and  
2 "employees", insert "similarly qualified".

3 (12) On page 27, between lines 16 and 17, insert the  
4 following:

5 (c-1) If the qualifying project proposal is for the  
6 construction or renovation of a structure and the estimated cost of  
7 the project is \$5 million or more, the analyses required under  
8 Subsection (c)(2) must include an analysis by an architect, a  
9 professional engineer, and a certified public accountant.

10 (13) On page 27, line 24, following the period, insert the  
11 following:

12 The guidelines are considered disapproved unless the commission by  
13 majority vote of the commission members present and voting approves  
14 the guidelines not later than the 90th day after the date the  
15 commission receives the copy of the guidelines from the responsible  
16 governmental entity.

17 (14) On page 27, line 27, strike "and (b)" and substitute "  
18 (b), (g), and (h)".

19 (15) On page 29, lines 22-23, strike "approves a proposal  
20 for a qualifying project under Subsection (a)" and substitute  
21 "accepts an unsolicited proposal for a qualifying project under  
22 Subsection (a), in accordance with the requirements of Section  
23 2267.052(b)(11)(B),".

24 (16) On page 31, between lines 15 and 16, insert the  
25 following:

26 (g) The responsible governmental entity shall take action  
27 appropriate under Section 552.153 to protect confidential and  
28 proprietary information provided by a proposer and by the  
29 contracting person under an agreement.

30 (h) Before entering into [~~the negotiation of~~] an interim or  
31 comprehensive agreement, each responsible governmental entity

1 described by Section 2267.001(5)(A) must submit copies of detailed  
2 proposals, including drafts of any interim agreement and the  
3 comprehensive agreement, to the Partnership Advisory Commission in  
4 accordance with Chapter 2268.

5 (17) On page 33, strike lines 20-25 and substitute the  
6 following:

7 (c) Trade secrets, proprietary information, and financial  
8 records[~~, or other records~~] of a proposer are [~~the contracting~~  
9 ~~person~~] excluded from disclosure under Section 552.101 and may not  
10 be posted or made available for public inspection except as  
11 otherwise agreed to by the responsible governmental entity and the  
12 proposer [~~contracting person~~]. After submission by a responsible  
13 governmental entity of a detailed qualifying project proposal to  
14 the commission, the trade secrets, proprietary information, and  
15 financial records of the proposer are not protected from disclosure  
16 unless expressly excepted from the requirements of Chapter 552 or  
17 considered confidential under other law.

18 (18) On page 34, strike lines 20-21 and substitute "of a  
19 1989 planning process or as subsequently adopted based on a Capitol  
20 Complex master plan developed after that date."

21 (19) On page 35, line 2, strike "design guidelines and".

22 (20) On page 35, line 18, strike "five" and substitute  
23 "six".

24 (21) On page 35, line 27, strike "and" and substitute  
25 "[~~and~~]".

26 (22) On page 36, line 1, between "(5)" and "one", insert the  
27 following:

28 the executive director of the State Preservation Board, who serves  
29 as a nonvoting member; and

30 (6)

31 (23) On page 38, lines 13-15, strike SECTION 33 (repealing

1 Section 552.153, Government Code).

2 (24) Add the following appropriately numbered SECTIONS to  
3 the bill and renumber the SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 2268.053, Government Code, is amended  
5 to read as follows:

6 Sec. 2268.053. PRESIDING OFFICER. (a) The executive  
7 director of the State Preservation Board shall serve as presiding  
8 officer of the commission.

9 (b) The members of the commission shall elect from among the  
10 legislative members [~~a presiding officer and~~] an assistant  
11 presiding officer to serve a two-year term [~~terms~~].

12 SECTION \_\_\_\_\_. Subchapter B, Chapter 2268, Government Code,  
13 is amended by adding Section 2268.0585 to read as follows:

14 Sec. 2268.0585. DISAPPROVAL OF QUALIFYING PROJECT  
15 PROPOSALS OF CERTAIN RESPONSIBLE GOVERNMENTAL ENTITIES. The  
16 commission by majority vote may disapprove a qualifying project  
17 proposal submitted by a governmental entity described by Section  
18 2267.001(5)(A).

19 SECTION \_\_\_\_\_. Section 552.153, Government Code, as added by  
20 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular  
21 Session, 2011, is amended by amending Subsection (b) and adding  
22 Subsection (d) to read as follows:

23 (b) Information in the custody of a responsible  
24 governmental entity that relates to a proposal for a qualifying  
25 project authorized under Chapter 2267 is excepted from the  
26 requirements of Section 552.021 if:

27 (1) the information consists of memoranda, staff  
28 evaluations, or other records prepared by the responsible  
29 governmental entity, its staff, outside advisors, or consultants  
30 exclusively for the evaluation and negotiation of proposals filed  
31 under Chapter 2267 for which:

1 (A) disclosure to the public before or after the  
2 execution of an interim or comprehensive agreement would adversely  
3 affect the financial interest or bargaining position of the  
4 responsible governmental entity; and

5 (B) the basis for the determination under  
6 Paragraph (A) is documented in writing by the responsible  
7 governmental entity; or

8 (2) the records are provided by a proposer  
9 [~~contracting person~~] to a responsible governmental entity or  
10 affected jurisdiction under Chapter 2267 and contain:

11 (A) trade secrets of the proposer [~~contracting~~  
12 ~~person~~];

13 (B) financial records of the proposer  
14 [~~contracting person~~], including balance sheets and financial  
15 statements, that are not generally available to the public through  
16 regulatory disclosure or other means; or

17 (C) proprietary [~~other~~] information submitted by  
18 the proposer [~~contracting person~~] that, if made public before the  
19 execution of an interim or comprehensive agreement, would provide a  
20 competing proposer an unjust advantage or adversely affect the  
21 financial interest or bargaining position of the responsible  
22 governmental entity or the proposer [~~person~~].

23 (d) In this section, "proposer" has the meaning assigned by  
24 Section 2267.001, as added by Chapter 1334 (S.B. 1048), Acts of the  
25 82nd Legislature, Regular Session, 2011.

26 SECTION \_\_\_\_\_. The term of the presiding officer of the  
27 Partnership Advisory Commission serving immediately before the  
28 effective date of this Act expires on the effective date of this  
29 Act. This subsection does not affect the entitlement of that  
30 individual to continue to serve as a member of the commission.

