

BILL ANALYSIS

H.B. 3436
By: Cook
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A prior legislative session enacted provisions for the procurement of public and private facilities and infrastructure by governmental entities under comprehensive agreements with private entities or other persons to develop or operate the qualifying project. It is noted that these provisions allow agencies who elect to operate under them to consider solicited and unsolicited proposals for public-private partnerships on state land and create an advisory commission to oversee projects proposed and implemented under this law.

Interested parties point out that the Texas Facilities Commission (TFC) currently is the only agency that has elected to operate under these provisions and a recent sunset review determined that under the agency's current guidelines, limited staff, and lack of input from all affected parties, the state could be at significant risk should formal action be taken on any of the current public-private partnership proposals. In order to allow the TFC time to address these issues, H.B. 3436 seeks to postpone all formal action by the TFC on public-private partnerships until September 1, 2013.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3436 amends the Government Code to add a temporary provision, set to expire September 2, 2013, to prohibit a responsible government entity that has the power to develop or operate an applicable qualifying project under provisions relating to public and private facilities and infrastructure from taking any formal action on a proposal or bid received under those statutory provisions before September 1, 2013.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.