

By: Nichols, Whitmire

S.B. No. 211

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.022, Education Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) Except as provided by Subsection (h-1), the ~~[The]~~ board has ~~[exclusive]~~ jurisdiction over the physical assets of the school and shall administer and spend appropriations made for the benefit of the school.

(h-1) The Texas Facilities Commission shall provide facilities maintenance services for the physical facilities of the school, including facilities construction, cabling, facility reconfiguration, and any other services as provided by a memorandum of understanding between the board and the Texas Facilities Commission.

SECTION 2. Section 30.052, Education Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) Except as provided by Subsection (h-1), the ~~[The]~~ board has ~~[exclusive]~~ jurisdiction over the physical assets of the school and shall administer and spend appropriations to carry out the purposes of the school as provided by Section 30.051.

1 (h-1) The Texas Facilities Commission shall provide
2 facilities maintenance services for the physical facilities of the
3 school, including facilities construction, cabling, facility
4 reconfiguration, and any other services as provided by a memorandum
5 of understanding between the board and the Texas Facilities
6 Commission.

7 SECTION 3. Section 443.007, Government Code, is amended by
8 adding Subsection (a-1) to read as follows:

9 (a-1) If the board updates or modifies its long-range master
10 plan for the preservation, maintenance, restoration, and
11 modification of the Capitol and the Capitol grounds, the board must
12 conform its plan to the Capitol Complex master plan prepared by the
13 Texas Facilities Commission under Section 2166.105.

14 SECTION 4. Section 2152.002, Government Code, is amended to
15 read as follows:

16 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
17 [Building and Procurement] Commission is subject to Chapter 325
18 (Texas Sunset Act). Unless continued in existence as provided by
19 that chapter, the commission is abolished and this subtitle, except
20 for Chapter 2170 and Section 2157.121, expires September 1, 2021
21 [2013].

22 SECTION 5. Subchapter B, Chapter 2152, Government Code, is
23 amended by adding Section 2152.066 to read as follows:

24 Sec. 2152.066. NEGOTIATED RULEMAKING AND ALTERNATIVE
25 DISPUTE RESOLUTION POLICY. (a) The commission shall develop and
26 implement a policy to encourage the use of:

27 (1) negotiated rulemaking procedures under Chapter

1 2008 for the adoption of commission rules; and

2 (2) appropriate alternative dispute resolution
3 procedures under Chapter 2009 to assist in the resolution of
4 internal and external disputes under the commission's
5 jurisdiction.

6 (b) The commission's procedures relating to alternative
7 dispute resolution must conform, to the extent possible, to any
8 model guidelines issued by the State Office of Administrative
9 Hearings for the use of alternative dispute resolution by state
10 agencies.

11 (c) The commission shall:

12 (1) coordinate the implementation of the policy
13 adopted under Subsection (a);

14 (2) provide training as needed to implement the
15 procedures for negotiated rulemaking or alternative dispute
16 resolution; and

17 (3) collect data concerning the effectiveness of those
18 procedures.

19 SECTION 6. Subsection (b), Section 2165.007, Government
20 Code, is amended to read as follows:

21 (b) Notwithstanding any other law, the commission shall
22 provide facilities management services in relation to all state
23 agency facilities in Travis County or a county adjacent to Travis
24 County. The commission's duty does not apply to:

25 (1) a facility owned or operated by an institution of
26 higher education;

27 (2) military facilities;

1 (3) facilities owned or operated by the Texas
2 Department of Criminal Justice;

3 (4) facilities owned or operated by the Texas Juvenile
4 Justice Department [~~Youth Commission~~];

5 (5) facilities owned or operated by the Texas
6 Department of Transportation;

7 (6) the Capitol, including the Capitol Extension, the
8 General Land Office building, the Bob Bullock Texas State History
9 Museum, any museum located on the Capitol grounds, the Governor's
10 Mansion, and any property maintained by the Texas Historical
11 Commission under Sections 442.0072 and 442.0073;

12 (7) a facility determined by the commission to be
13 completely residential;

14 (8) a regional or field office of a state agency;

15 (9) a facility located within or on state park
16 property;

17 (10) the property known as the Finance Commission
18 Building described by deed recorded in Volume 5080, Page 1099, of
19 the Deed Records of Travis County, Texas; [~~or~~]

20 (11) the property known as the Credit Union Department
21 Building described by deed recorded in Volume 6126, Page 27, of the
22 Deed Records of Travis County, Texas;

23 (12) facilities owned or operated by the Texas School
24 for the Blind and Visually Impaired; or

25 (13) facilities owned or operated by the Texas School
26 for the Deaf.

27 SECTION 7. Section 2165.055, Government Code, is amended to

1 read as follows:

2 Sec. 2165.055. REPORT ABOUT IMPROVEMENTS AND REPAIRS. The
3 commission [~~biennially~~] on July 1 of each even-numbered year
4 [~~December 1st~~] shall electronically submit a report to the
5 governor, lieutenant governor, speaker of the house of
6 representatives, comptroller, and Legislative Budget Board on:

7 (1) all improvements and repairs that have been made,
8 with an itemized account of receipts and expenditures; and

9 (2) the condition of all property under its control,
10 with an estimate of needed improvements and repairs.

11 SECTION 8. Subsection (e), Section 2165.2035, Government
12 Code, is amended to read as follows:

13 (e) On or before December 1 of each even-numbered year, the
14 commission shall electronically submit a report to the legislature
15 and the Legislative Budget Board describing the effectiveness of
16 the program under this section.

17 SECTION 9. Section 2165.2046, Government Code, is amended
18 to read as follows:

19 Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before
20 December [~~October~~] 1 of each even-numbered year, the commission
21 shall electronically submit a report to the legislature and
22 Legislative Budget Board describing the effectiveness of parking
23 programs developed by the commission under this subchapter. The
24 report must, at a minimum, include:

25 (1) the yearly revenue generated by the programs;

26 (2) the yearly administrative and enforcement costs of
27 each program;

- 1 (3) yearly usage statistics for each program; and
- 2 (4) initiatives and suggestions by the commission to:
 - 3 (A) modify administration of the programs; and
 - 4 (B) increase revenue generated by the programs.

5 SECTION 10. Subchapter F, Chapter 2165, Government Code, is
6 amended by adding Section 2165.259 to read as follows:

7 Sec. 2165.259. CAPITOL COMPLEX. (a) In this section,
8 "Capitol Complex" has the meaning assigned by Section 443.0071.

9 (b) Notwithstanding Subchapter D, the commission may not
10 lease, sell, or otherwise dispose of real property or an interest in
11 real property located in the Capitol Complex.

12 (c) This section does not affect the commission's authority
13 under Subchapter E to lease space in state office buildings and
14 parking garages.

15 SECTION 11. Chapter 2165, Government Code, is amended by
16 adding Subchapter H to read as follows:

17 SUBCHAPTER H. PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE:

18 QUALIFYING PROJECTS

19 Sec. 2165.351. DEFINITIONS. In this subchapter:

20 (1) "Partnership Advisory Commission" means the
21 Partnership Advisory Commission created by Chapter 2268.

22 (2) "Qualifying project" has the meaning assigned by
23 Section 2267.001, as added by Chapter 1334 (S.B. 1048), Acts of the
24 82nd Legislature, Regular Session, 2011.

25 Sec. 2165.352. COMMISSION REVIEW GUIDELINES AND POLICIES.

26 (a) In adopting the qualifying project review guidelines required
27 by Section 2267.052, as added by Chapter 1334 (S.B. 1048), Acts of

1 the 82nd Legislature, Regular Session, 2011, the commission must
2 include review criteria and documentation to guide the initial
3 review of each substantially complete qualifying project proposal
4 received by the commission.

5 (b) The review criteria required under Subsection (a) at a
6 minimum must include:

7 (1) the extent to which the qualifying project meets a
8 public need;

9 (2) the extent to which the project meets the
10 objectives and priorities of the commission and aligns with any
11 applicable commission plans, including the Capitol Complex master
12 plan developed under Section 2166.105;

13 (3) the technical and legal feasibility of the
14 project;

15 (4) the adequacy of the qualifications, experience,
16 and financial capacity of a private entity or other person
17 submitting the proposal;

18 (5) any potentially unacceptable risks to this state;
19 and

20 (6) whether an alternative delivery method is feasible
21 and more effectively meets this state's goals.

22 (c) The commission's qualifying project review guidelines
23 must:

24 (1) specify the types of professional expertise,
25 including financial, real estate, legal, and other related
26 expertise, needed to effectively protect this state's interest when
27 considering and implementing a qualifying project;

1 (2) specify the range of professional expertise needed
2 at each stage of the project, including proposal evaluation,
3 financial analysis, risk allocation analysis, contract
4 negotiation, and contract and performance monitoring, to evaluate
5 the qualifying project proposal; and

6 (3) require the oversight committee established by the
7 commission for each qualifying project to report to the commission
8 the results of the committee's evaluation of the project, including
9 the schedules, procedures, proposal evaluation criteria, and
10 documentation required in the guidelines for the evaluation.

11 (d) The commission shall:

12 (1) for each qualifying project proposal, post on the
13 commission's Internet website the oversight committee's review
14 report and other evaluation documents; and

15 (2) before posting the report and documents required
16 under Subdivision (1), redact all information included in the
17 report and documents that is considered confidential under Section
18 2267.066(c).

19 (e) The expertise described by Subsection (c) may be
20 provided by commission staff or outside experts.

21 Sec. 2165.353. QUALIFYING PROJECT FEES. (a) The
22 commission may charge a reasonable fee to cover the costs of
23 reviewing a qualifying project. The commission shall develop and
24 adopt a qualifying project proposal fee schedule sufficient to
25 cover its costs, including at a minimum the costs of processing,
26 reviewing, and evaluating the proposals.

27 (b) The commission shall use the professional expertise

1 information required under Section 2165.352(c) to determine the
2 amount of the fee charged by the commission to review a qualifying
3 project proposal. The amount must be reasonable in comparison to
4 the level of professional expertise required for the project and
5 may include the cost of staff time required to process the proposal
6 and other direct costs.

7 (c) The commission may use the money from the fees collected
8 under this section to hire or contract with persons who have the
9 professional expertise necessary to effectively evaluate a
10 qualifying project proposal.

11 Sec. 2165.354. INITIAL REVIEW OF QUALIFYING PROJECT
12 PROPOSAL. (a) The commission staff shall conduct an initial
13 review of each qualifying project proposal submitted to the
14 commission and provide to commission members a summary of the
15 review, including an analysis and recommendations.

16 (b) Subject to Subsection (c), the commission shall use a
17 value for money analysis in evaluating each qualifying project
18 proposal to:

19 (1) conduct a thorough risk analysis of the proposal
20 that identifies specific risks shared between this state and the
21 private partner and subjects the risks to negotiation in the
22 contract;

23 (2) determine if the proposal is in the best long-term
24 financial interest of this state; and

25 (3) determine if the project will provide a tangible
26 public benefit to this state.

27 (c) If commission staff determine that a value for money

1 analysis is not appropriate for evaluating a specific qualifying
2 project proposal, the staff shall submit to the commission a
3 written report stating the reasons for using an alternative
4 analysis methodology.

5 (d) The commission shall coordinate with the commission's
6 office of internal audit for review and receipt of comments on the
7 reasonableness of the assumptions used in the value for money
8 analysis or alternative analysis methodology used to evaluate a
9 qualifying project proposal under this section.

10 Sec. 2165.355. INITIAL PUBLIC HEARING ON QUALIFYING PROJECT
11 PROPOSAL. (a) Before submitting a detailed qualifying project
12 proposal to the Partnership Advisory Commission as required under
13 Section 2268.058, the commission must hold an initial public
14 hearing on the proposal.

15 (b) The commission must post a copy of the detailed
16 qualifying project proposal on the commission's Internet website
17 before the required public hearing and, before posting the
18 proposal, redact all information included in the proposal that is
19 considered confidential under Section 2267.066(c).

20 (c) After the hearing, the commission shall:

21 (1) modify the proposal as the commission determines
22 appropriate based on the public comments; and

23 (2) include the public comments in the documents
24 submitted to the Partnership Advisory Commission and provide any
25 additional information necessary for the evaluation required under
26 Chapter 2268.

27 Sec. 2165.356. SUBMISSION OF QUALIFYING PROJECT CONTRACT TO

1 CONTRACT ADVISORY TEAM. (a) Not later than the 60th day before the
2 date the commission is scheduled to vote on approval of a qualifying
3 project contract, the commission must submit to the Contract
4 Advisory Team established under Subchapter C, Chapter 2262,
5 documentation of the modifications to a proposed qualifying project
6 made during the commission's evaluation and negotiation process for
7 the project, including a copy of:

- 8 (1) the final draft of the contract;
- 9 (2) the detailed qualifying project proposal; and
- 10 (3) any executed interim or other agreement.

11 (b) The Contract Advisory Team shall review the
12 documentation submitted under Subsection (a) and provide written
13 comments and recommendations to the commission. The review must
14 focus on, but not be limited to, best practices for contract
15 management and administration.

16 (c) Commission staff shall provide to the commission
17 members:

- 18 (1) a copy of the Contract Advisory Team's written
19 comments and recommendations; and
- 20 (2) the staff's response to the comments and
21 recommendations.

22 Sec. 2165.357. PROHIBITED EMPLOYMENT OF COMMISSION
23 EMPLOYEE. (a) A commission employee may not be employed or hired
24 by another person to perform duties that relate to the employee's
25 specific duties in developing and implementing a qualifying
26 project, including review, evaluation, development, and
27 negotiation of a qualifying project proposal.

1 (b) The commission shall obtain from each commission
2 employee sufficient information for the commission to determine
3 whether:

4 (1) the employee is employed by another person; and
5 (2) a potential conflict of interest exists between
6 the employee's commission duties and the employee's duties with the
7 other employer.

8 (c) Each commission employee whose commission duties relate
9 to a qualifying project, including long-range planning, real estate
10 management, space management, and leasing services, shall attest
11 that the employee is aware of and agrees to the commission's ethics
12 and conflict-of-interest policies.

13 (d) To the extent the employment is authorized by commission
14 policy, this section does not prohibit additional employment for a
15 commission employee whose commission duties are not related to a
16 qualifying project.

17 SECTION 12. Section 2166.001, Government Code, is amended
18 by amending Subdivisions (1) and (1-a) and adding Subdivision (1-b)
19 to read as follows:

20 (1) "Capitol Complex" has the meaning prescribed by
21 Section 411.061(a)(1).

22 (1-a) "Commission" means the Texas Facilities
23 Commission.

24 (1-b) [~~(1-a)~~] "Construction" includes acquisition and
25 reconstruction.

26 SECTION 13. Subsection (d), Section 2166.101, Government
27 Code, is amended to read as follows:

1 (d) The commission shall summarize its findings on the
2 status of state-owned buildings and current information on
3 construction costs in an electronically submitted ~~[a]~~ report ~~[it~~
4 ~~shall make available]~~ to the governor, lieutenant governor, speaker
5 of the house of representatives, comptroller, and Legislative
6 Budget Board not later than July 1 of each even-numbered year ~~[the~~
7 ~~legislature, and the state's budget offices]~~.

8 SECTION 14. Subsection (b), Section 2166.102, Government
9 Code, is amended to read as follows:

10 (b) The commission shall maintain a six-year capital
11 planning cycle and shall electronically submit ~~[file]~~ a master
12 facilities plan with the governor, lieutenant governor, speaker of
13 the house of representatives, ~~[Governor's Office of Budget and~~
14 ~~Planning, the]~~ Legislative Budget Board, and ~~[the]~~ comptroller
15 before July 1 of each even-numbered year.

16 SECTION 15. Subsection (b), Section 2166.103, Government
17 Code, is amended to read as follows:

18 (b) Not later than July 1 of each even-numbered year ~~[Before~~
19 ~~each legislative session]~~, the commission shall electronically
20 submit ~~[send]~~ to the governor, the lieutenant governor, the speaker
21 of the house of representatives, the comptroller, and the
22 Legislative Budget Board a report identifying counties in which
23 more than 50,000 square feet of usable office space is needed and
24 the commission's recommendations for meeting that need. The
25 commission may recommend leasing or purchasing and renovating one
26 or more existing buildings or constructing one or more buildings.

27 SECTION 16. Subchapter C, Chapter 2166, Government Code, is

1 amended by adding Sections 2166.105, 2166.106, 2166.1065,
2 2166.107, and 2166.108 to read as follows:

3 Sec. 2166.105. CAPITOL COMPLEX MASTER PLAN. (a) The
4 commission shall prepare a Capitol Complex master plan that at a
5 minimum includes:

6 (1) an overview and summary of the previous plans for
7 the Capitol Complex;

8 (2) a stated strategic vision and long-term goals for
9 the Capitol Complex;

10 (3) an analysis of state property, including
11 buildings, in the Capitol Complex and of the extent to which this
12 state satisfies its space needs through use of the property;

13 (4) detailed, site-specific proposals for state
14 property in the Capitol Complex, including proposals on the use of
15 property and space for public sector purposes;

16 (5) an analysis of and recommendations for building
17 design guidelines to ensure appropriate quality in new or remodeled
18 buildings in the Capitol Complex;

19 (6) an analysis of and recommendations for Capitol
20 Complex infrastructure needs, including transportation, utilities,
21 and parking;

22 (7) for projects identified in the plan, an analysis
23 of and recommendations for financing options;

24 (8) time frames for implementing the plan components
25 and any projects identified in the plan;

26 (9) consideration of alternative options for meeting
27 state space needs outside the Capitol Complex; and

1 (10) other information relevant to the Capitol Complex
2 as the commission determines appropriate.

3 (b) The commission shall ensure that the General Land
4 Office, the State Preservation Board, the Texas Historical
5 Commission, and other relevant interested parties are included in
6 each stage of the development of the Capitol Complex master plan.

7 (c) The commission shall submit to the governor, lieutenant
8 governor, speaker of the house of representatives, comptroller, and
9 Legislative Budget Board:

10 (1) not later than July 1, 2014, the initial Capitol
11 Complex master plan; and

12 (2) not later than July 1 of each even-numbered year
13 thereafter, updates to the plan.

14 (d) The commission shall ensure that the Capitol Complex
15 master plan and the master facilities plan developed under Section
16 2166.102 do not conflict and together comprehensively address the
17 space needs of state agencies.

18 Sec. 2166.106. REVIEW OF PROPOSED CAPITOL COMPLEX MASTER
19 PLAN BY STATE PRESERVATION BOARD AND GENERAL LAND OFFICE. (a) Not
20 later than the 90th day before the date the commission holds a
21 public meeting to discuss a proposed Capitol Complex master plan,
22 the commission must submit the proposed plan to the State
23 Preservation Board and the General Land Office for review and
24 comment.

25 (b) Not later than the 60th day before the date the
26 commission holds a public meeting to discuss a proposed update to
27 the Capitol Complex master plan, the commission must submit the

1 proposed update to the State Preservation Board and the General
2 Land Office for review and comment.

3 (c) Not later than the 90th day after the date the State
4 Preservation Board receives from the commission a proposed Capitol
5 Complex master plan and not later than the 60th day after the date
6 the board receives from the commission a proposed update to the
7 plan, the board may:

8 (1) by a public vote disapprove the plan or update if
9 the board determines that the goals or recommendations in the plan
10 or update are not in the best interest of the state or of the Capitol
11 Complex; and

12 (2) submit to the commission written comments and
13 recommended modifications to the plan or update.

14 (d) The proposed Capitol Complex master plan or the proposed
15 update to the plan is considered to be approved by the State
16 Preservation Board if the board does not hold the public vote
17 authorized by Subsection (c) on or before the date required under
18 that subsection.

19 (e) The review of the Capitol Complex master plan under this
20 section is in addition to the review required for a proposed project
21 under Section 443.0071.

22 Sec. 2166.1065. REVIEW OF CAPITOL COMPLEX MASTER PLAN BY
23 PARTNERSHIP ADVISORY COMMISSION. (a) After a proposed Capitol
24 Complex master plan or proposed update to the plan is submitted and
25 considered approved under Section 2166.106 and before the
26 commission adopts the plan or update, the commission must submit
27 the plan or update to the Partnership Advisory Commission

1 established under Chapter 2268 for review and comment.

2 (b) Not later than the 60th day after the date the
3 Partnership Advisory Commission receives the plan or update, the
4 advisory commission shall in a public hearing by majority vote of
5 the members present:

6 (1) vote to approve the plan or update; or

7 (2) submit to the commission written comments and
8 recommended modifications to the plan or update.

9 Sec. 2166.107. COMPREHENSIVE PLANNING AND DEVELOPMENT
10 PROCESS. (a) The commission by rule shall adopt a comprehensive
11 process for planning and developing state property in the
12 commission's inventory and for assisting state agencies in space
13 development planning for state property under Sections 2165.105 and
14 2165.1061.

15 (b) The process under this section at a minimum must
16 include:

17 (1) a clear approach and specific time frames for
18 obtaining input throughout the planning and development process
19 from the public, interested parties, and state agencies, including
20 the General Land Office;

21 (2) specific schedules for providing to the commission
22 regular updates on planning and development efforts;

23 (3) a public involvement policy to ensure that before
24 the commission makes a decision on the use or development of state
25 property the public and interested parties have the opportunity to
26 review and comment on the commission's plans; and

27 (4) confidentiality policies consistent with Chapter

1 552.

2 Sec. 2166.108. COMPREHENSIVE CAPITAL IMPROVEMENT AND
3 DEFERRED MAINTENANCE PLAN. (a) The commission shall develop a
4 comprehensive capital improvement and deferred maintenance plan
5 that clearly defines the capital improvement needs and critical and
6 noncritical maintenance needs of state buildings.

7 (b) The comprehensive capital improvement and deferred
8 maintenance plan must:

9 (1) with respect to deferred maintenance projects:

10 (A) list, with regular updates, deferred
11 maintenance projects that contain critical high-priority projects
12 and lower-priority, non-health and safety projects;

13 (B) state the commission's plan for addressing
14 the projects;

15 (C) account for the completion of high-priority
16 projects;

17 (D) estimate when the lower-priority projects
18 may become higher-priority projects; and

19 (E) be modified as necessary to include
20 additional maintenance projects;

21 (2) contain a list of all predictable capital
22 improvement projects, including a time frame and a cost estimate
23 for each project; and

24 (3) contain a plan, updated biennially, for responding
25 to emergency repairs and replacements that, in consultation with
26 the Legislative Budget Board, identifies potential sources of
27 funds, which may include bonds and bond interest, that may be used

1 to pay the costs of emergency repair and replacement projects.

2 (c) The comprehensive capital improvement and deferred
3 maintenance plan must include for each segment of the plan
4 described by Subsection (b) a prioritized list by state agency
5 facility of each project that includes an estimate of the project's
6 cost and the aggregate costs for all facility projects.

7 (d) The commission shall include the comprehensive capital
8 improvement and deferred maintenance plan and regular updates to
9 the plan in its long-range plan under Section 2166.102. The
10 information included in the long-range plan must include the
11 aggregate project costs for each state agency but may exclude the
12 cost of each specific facility project.

13 SECTION 17. Section 2267.001, Government Code, as added by
14 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular
15 Session, 2011, is amended by adding Subdivision (1-a) to read as
16 follows:

17 (1-a) "Commission" means the Partnership Advisory
18 Commission established under Chapter 2268.

19 SECTION 18. Section 2267.003, Government Code, as added by
20 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular
21 Session, 2011, is amended to read as follows:

22 Sec. 2267.003. APPLICABILITY. This chapter does not apply
23 to:

24 (1) the financing, design, construction, maintenance,
25 or operation of a highway in the state highway system;

26 (2) a transportation authority created under Chapter
27 451, 452, 453, or 460, Transportation Code; [~~or~~]

1 (3) any telecommunications, cable television, video
2 service, or broadband infrastructure other than technology
3 installed as part of a qualifying project that is essential to the
4 project; or

5 (4) a qualifying project located in the Capitol
6 Complex, as defined by Section 443.0071.

7 SECTION 19. Subchapter A, Chapter 2267, Government Code, as
8 added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature,
9 Regular Session, 2011, is amended by adding Sections 2267.005,
10 2267.006, 2267.007, and 2267.008 to read as follows:

11 Sec. 2267.005. APPLICABILITY OF MUNICIPAL ZONING
12 REGULATIONS. (a) Except as provided by Subsection (b) and Section
13 2267.006, a qualifying project that is to be performed or located in
14 a municipality must comply with the zoning and land use regulations
15 of the municipality.

16 (b) This section does not apply to a qualifying project
17 that:

18 (1) uses a building, other structure, or land under
19 the control, administration, or jurisdiction of a state agency for
20 the same public purposes for which the state agency is authorized
21 under the governing law that established the agency to use the
22 building, structure, or land; or

23 (2) is located within the Capitol Complex, as defined
24 by Section 411.061(a)(1).

25 Sec. 2267.006. SPECIAL BOARD OF REVIEW. (a) If a
26 qualifying project does not comply with the zoning and land use
27 regulations of a municipality as required by Section 2267.005 and

1 the municipality denies a rezoning request for the qualifying
2 project, the matter may be appealed to a special board of review
3 consisting of the following members:

4 (1) the land commissioner;

5 (2) the administrative head of the governing body of
6 the responsible governmental entity;

7 (3) the mayor of the municipality;

8 (4) the county judge of the county in which the
9 municipality is located;

10 (5) one state senator selected by the lieutenant
11 governor;

12 (6) one member of the house of representatives
13 selected by the speaker of the house; and

14 (7) the commission member appointed by the governor.

15 (b) The land commissioner shall serve as presiding officer
16 of the special board of review.

17 (c) The special board of review shall conduct one or more
18 public hearings to consider the proposed qualifying project. The
19 hearings must be conducted in accordance with rules adopted by the
20 General Land Office for conduct of special review. The hearings are
21 not considered a contested case proceeding under Chapter 2001.

22 (d) If after the hearings, the special board of review
23 determines that the zoning and land use regulations are detrimental
24 to the best interest of this state, the special board of review
25 shall issue an order establishing a development plan to govern the
26 use of the real property related to the qualifying project.
27 Development of the real property must be in accordance with the plan

1 and comply with all applicable municipal regulations, orders, or
2 ordinances except as specifically identified by the order of the
3 special board of review. If substantial progress is not made in
4 implementing the qualifying project before the fifth anniversary of
5 the date the development plan is adopted by the special board of
6 review, the municipal zoning and land use regulations become
7 applicable to development of the property, unless the special board
8 of review adopts a new development plan.

9 (e) A development plan adopted by the special board of
10 review and any plan accepted by a responsible governmental entity
11 is final and binding on the state, the responsible governmental
12 entity, lessees, successors in interest and assigns, and the
13 affected municipality unless revised by the special board of
14 review.

15 (f) A responsible governmental entity, builder, developer,
16 or any other person may not modify the development plan without
17 specific approval by the special board of review.

18 Sec. 2267.007. CONFLICT OF INTEREST. An employee of a
19 responsible governmental entity or a person related to the employee
20 within the second degree by consanguinity or affinity, as
21 determined under Chapter 573, may not accept money, a financial
22 benefit, or other consideration from a contracting person that has
23 entered into a comprehensive agreement with the responsible
24 governmental entity.

25 Sec. 2267.008. PROHIBITED EMPLOYMENT WITH FORMER OR RETIRED
26 GOVERNMENTAL ENTITY EMPLOYEES. (a) A contracting person may not
27 employ or enter into a professional services contract or a

1 consulting services contract under Chapter 2254 with a former or
2 retired employee of the responsible governmental entity with which
3 the person has entered into a comprehensive agreement before the
4 first anniversary of the date on which the former or retired
5 employee terminates employment with the entity.

6 (b) This section does not prohibit the contracting person
7 from entering into a professional services contract with a
8 corporation, firm, or other business organization that employs a
9 former or retired employee of the responsible governmental entity
10 before the first anniversary of the date the former or retired
11 employee terminates employment with the entity if the former or
12 retired employee does not perform services for the corporation,
13 firm, or other business organization under the comprehensive
14 agreement with the responsible governmental entity that the former
15 or retired employee worked on before terminating employment with
16 the entity.

17 SECTION 20. (a) Section 2267.051, Government Code, as
18 added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature,
19 Regular Session, 2011, is amended by amending Subsection (a) and
20 adding Subsection (a-1) to read as follows:

21 (a) Except as provided by Subsection (a-1), a [A] person may
22 not develop or operate a qualifying project unless the person
23 obtains the approval of and contracts with the responsible
24 governmental entity under this chapter. The person may initiate
25 the approval process by submitting a proposal requesting approval
26 under Section 2267.053(a), or the responsible governmental entity
27 may request proposals or invite bids under Section 2267.053(b).

1 (a-1) A person may not develop or operate a qualifying
2 project on property located within the Capitol Complex, as defined
3 by Section 411.061(a)(1), unless the person obtains the approval of
4 and contracts with the responsible governmental entity under this
5 chapter. The person may not initiate the approval process by
6 submitting a proposal requesting approval under Section
7 2267.053(a). The responsible governmental entity may request
8 proposals or invite bids under Section 2267.053(b).

9 (b) If S.B. No. 894, Acts of the 83rd Legislature, Regular
10 Session, 2013, or similar legislation relating to real property
11 within the Capitol Complex is enacted and becomes law, this section
12 has no effect.

13 SECTION 21. Section 2267.052, Government Code, as added by
14 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular
15 Session, 2011, is amended by amending Subsections (b) and (c) and
16 adding Subsection (d) to read as follows:

17 (b) The guidelines for a responsible governmental entity
18 described by Section 2267.001(5)(A) must:

19 (1) require the responsible governmental entity to:

20 (A) make a representative of the entity available
21 to meet with persons who are considering submitting a proposal; and
22 (B) provide notice of the representative's
23 availability;

24 (2) provide reasonable criteria for choosing among
25 competing proposals;

26 (3) contain suggested timelines for selecting
27 proposals and negotiating an interim or comprehensive agreement;

1 (4) allow the responsible governmental entity to
2 accelerate the selection, review, and documentation timelines for
3 proposals involving a qualifying project considered a priority by
4 the entity;

5 (5) include financial review and analysis procedures
6 that at a minimum consist of:

7 (A) a cost-benefit analysis;

8 (B) an assessment of opportunity cost;

9 (C) consideration of the degree to which
10 functionality and services similar to the functionality and
11 services to be provided by the proposed project are already
12 available in the private market; and

13 (D) consideration of the results of all studies
14 and analyses related to the proposed qualifying project;

15 (6) allow the responsible governmental entity to
16 consider the nonfinancial benefits of a proposed qualifying
17 project;

18 (7) include criteria for:

19 (A) the qualifying project, including the scope,
20 costs, and duration of the project and the involvement or impact of
21 the project on multiple public entities;

22 (B) the creation of and the responsibilities of
23 an oversight committee, with members representing the responsible
24 governmental entity, that acts as an advisory committee to review
25 the terms of any proposed interim or comprehensive agreement; and

26 (C) compliance with the requirements of Chapter
27 2268;

1 (8) require the responsible governmental entity to
2 analyze the adequacy of the information to be released by the entity
3 when seeking competing proposals and require that the entity
4 provide more detailed information, if the entity determines
5 necessary, to encourage competition, subject to Section
6 2267.053(g);

7 (9) establish criteria, key decision points, and
8 approvals required to ensure that the responsible governmental
9 entity considers the extent of competition before selecting
10 proposals and negotiating an interim or comprehensive agreement;
11 and

12 (10) require the posting and publishing of public
13 notice of a proposal requesting approval of a qualifying project,
14 including:

15 (A) specific information and documentation
16 regarding the nature, timing, and scope of the qualifying project,
17 as required under Section 2267.053(a);

18 (B) a reasonable period, as determined by the
19 responsible governmental entity, of not less than 45 days or more
20 than 180 days, or a longer period specified by the governing body of
21 the responsible governmental entity to accommodate a large-scale
22 project, [~~as determined by the responsible governmental entity,~~] to
23 encourage competition and partnerships with private entities and
24 other persons in accordance with the goals of this chapter, during
25 which the responsible governmental entity must accept submission of
26 competing proposals for the qualifying project; and

27 (C) a requirement for advertising the notice on

1 the governmental entity's Internet website and on TexasOnline or
2 the state's official Internet website.

3 (c) The guidelines of a responsible governmental entity
4 described by Section 2267.001(5)(B) must include:

5 (1) [~~may include~~] the provisions required under
6 Subsection (b); and

7 (2) [~~must include~~] a requirement that the governmental
8 entity engage the services of qualified professionals, including an
9 architect, professional engineer, or certified public accountant,
10 not otherwise employed by the governmental entity, to provide
11 independent analyses regarding the specifics, advantages,
12 disadvantages, and long-term and short-term costs of any proposal
13 requesting approval of a qualifying project unless the governing
14 body of the governmental entity determines that the analysis of the
15 proposal is to be performed by employees of the governmental
16 entity.

17 (d) A responsible governmental entity described by Section
18 2267.001(5)(A) shall submit a copy of the guidelines adopted by the
19 entity under this section to the commission for approval by the
20 commission. The commission shall prescribe the procedure for
21 submitting the guidelines for review under this section. The
22 governmental entity may not request or consider a proposal for a
23 qualifying project until the guidelines are approved by the
24 commission.

25 SECTION 22. Section 2267.053, Government Code, as added by
26 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular
27 Session, 2011, is amended by amending Subsections (a) and (b) and

1 adding Subsections (a-1), (b-1), and (b-2) to read as follows:

2 (a) A private entity or other person may submit a proposal
3 requesting approval of a qualifying project by the responsible
4 governmental entity. The proposal must be accompanied by the
5 following, unless waived by the responsible governmental entity:

6 (1) a topographic map, with a 1:2,000 or other
7 appropriate scale, indicating the location of the qualifying
8 project;

9 (2) a description of the qualifying project,
10 including:

11 (A) the conceptual design of any facility or a
12 conceptual plan for the provision of services or technology
13 infrastructure; and

14 (B) a schedule for the initiation of and
15 completion of the qualifying project that includes the proposed
16 major responsibilities and timeline for activities to be performed
17 by the governmental entity and the person;

18 (3) a statement of the method the person proposes for
19 securing necessary property interests required for the qualifying
20 project;

21 (4) information relating to any current plans for the
22 development of facilities or technology infrastructure to be used
23 by a governmental entity that are similar to the qualifying project
24 being proposed by the person for each affected jurisdiction;

25 (5) a list of all permits and approvals required for
26 the development and completion of the qualifying project from
27 local, state, or federal agencies and a projected schedule for

1 obtaining the permits and approvals;

2 (6) a list of any facilities that will be affected by
3 the qualifying project and a statement of the person's plans to
4 accommodate the affected facilities;

5 (7) a statement on the person's general plans for
6 financing the qualifying project, including the sources of the
7 person's funds and identification of any dedicated revenue source
8 or proposed debt or equity investment for the person;

9 (8) the name and address of each individual who may be
10 contacted for further information concerning the request;

11 (9) user fees, lease payments, and other service
12 payments over the term of any applicable interim or comprehensive
13 agreement and the methodology and circumstances for changes to the
14 user fees, lease payments, and other service payments over time;

15 (10) a statement of the specific public purpose served
16 by the qualifying project;

17 (11) a statement describing the qualifying project's
18 compliance with the responsible governmental entity's best value
19 determination under Subsection (b-1); and

20 (12) [~~(10)~~] any additional material and information
21 the responsible governmental entity reasonably requests.

22 (a-1) A responsible governmental entity that approves a
23 proposal for a qualifying project under Subsection (a) shall select
24 the contracting person for the project by soliciting additional
25 proposals through a request for qualifications, request for
26 proposals, or invitation to bid.

27 (b) A responsible governmental entity may request proposals

1 or invite bids from persons for the development or operation of a
2 qualifying project.

3 (b-1) A responsible governmental entity shall make a best
4 value determination in evaluating the proposals received and
5 consider the total project cost as one factor in evaluating the
6 proposals. The responsible governmental entity [~~received, but~~] is
7 not required to select the proposal that offers the lowest total
8 project cost and [~~. The responsible governmental entity~~] may
9 consider the following factors:

- 10 (1) the proposed cost of the qualifying project;
- 11 (2) the general reputation, industry experience, and
12 financial capacity of the person submitting a proposal;
- 13 (3) the proposed design and overall quality of the
14 qualifying project;
- 15 (4) the eligibility of the project for accelerated
16 selection, review, and documentation timelines under the
17 responsible governmental entity's guidelines;
- 18 (5) comments from local citizens and affected
19 jurisdictions;
- 20 (6) benefits to the public;
- 21 (7) the person's good faith effort to comply with the
22 goals of a historically underutilized business plan;
- 23 (8) the person's plans to employ local contractors and
24 residents;
- 25 (9) for a qualifying project that involves a
26 continuing role beyond design and construction, the person's
27 proposed rate of return and opportunities for revenue sharing;

1 (10) the relationship and conformity of the qualifying
2 project to a state or local community plan impacted by the
3 qualifying project or to the uses of property surrounding the
4 qualifying project;

5 (11) the historic significance of the property on
6 which the qualifying project is proposed to be located;

7 (12) the environmental impact of the qualifying
8 project; and

9 (13) [~~(10)~~] other criteria that the responsible
10 governmental entity considers appropriate.

11 (b-2) A responsible governmental entity may approve a
12 qualifying project that the governmental entity determines serves a
13 public purpose. The responsible governmental entity must include
14 in the comprehensive agreement for the qualifying project a written
15 declaration of the specific public purpose served by the project.

16 SECTION 23. Subsection (a), Section 2267.058, Government
17 Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd
18 Legislature, Regular Session, 2011, is amended to read as follows:

19 (a) Before developing or operating the qualifying project,
20 the contracting person must enter into a comprehensive agreement
21 with a responsible governmental entity. The comprehensive
22 agreement shall provide for:

23 (1) delivery of letters of credit or other security in
24 connection with the development or operation of the qualifying
25 project, in the forms and amounts satisfactory to the responsible
26 governmental entity, and delivery of performance and payment bonds
27 in compliance with Chapter 2253 for all construction activities;

1 (2) review of plans and specifications for the
2 qualifying project by the responsible governmental entity and
3 approval by the responsible governmental entity indicating that
4 ~~[if]~~ the plans and specifications conform to standards acceptable
5 to the responsible governmental entity, except that the contracting
6 person may not be required to provide final design documents for
7 ~~[complete the design of]~~ a qualifying project before the execution
8 of a comprehensive agreement;

9 (3) inspection of the qualifying project by the
10 responsible governmental entity to ensure that the contracting
11 person's activities are acceptable to the responsible governmental
12 entity in accordance with the comprehensive agreement;

13 (4) maintenance of a public liability insurance
14 policy, copies of which must be filed with the responsible
15 governmental entity accompanied by proofs of coverage, or
16 self-insurance, each in the form and amount satisfactory to the
17 responsible governmental entity and reasonably sufficient to
18 ensure coverage of tort liability to the public and project
19 employees and to enable the continued operation of the qualifying
20 project;

21 (5) monitoring of the practices of the contracting
22 person by the responsible governmental entity to ensure that the
23 qualifying project is properly maintained;

24 (6) reimbursement to be paid to the responsible
25 governmental entity for services provided by the responsible
26 governmental entity;

27 (7) filing of appropriate financial statements on a

1 periodic basis; and

2 (8) policies and procedures governing the rights and
3 responsibilities of the responsible governmental entity and the
4 contracting person if the comprehensive agreement is terminated or
5 there is a material default by the contracting person, including
6 conditions governing:

7 (A) assumption of the duties and
8 responsibilities of the contracting person by the responsible
9 governmental entity; and

10 (B) the transfer or purchase of property or other
11 interests of the contracting person to the responsible governmental
12 entity.

13 SECTION 24. The heading to Section 2267.066, Government
14 Code, is amended to read as follows:

15 Sec. 2267.066. POSTING OF PROPOSALS; PUBLIC COMMENT; PUBLIC
16 ACCESS TO PROCUREMENT RECORDS; FINAL VOTE.

17 SECTION 25. Section 2267.066, Government Code, is amended
18 by amending Subsections (c) and (d) and adding Subsection (e-1) to
19 read as follows:

20 (c) Chapter 552 applies to qualifying project proposals
21 ~~[Trade secrets, financial records, or other records of the~~
22 ~~contracting person excluded from disclosure under Section 552.101~~
23 ~~may not be posted or made available for public inspection except as~~
24 ~~otherwise agreed to by the responsible governmental entity and the~~
25 ~~contracting person].~~

26 (d) The responsible governmental entity shall hold a public
27 hearing on the proposal during the proposal review process not

1 later than the 30th day before the date the entity enters into an
2 interim or comprehensive agreement. The public hearing shall be
3 held in the area in which the proposed qualifying project is to be
4 performed.

5 (e-1) After making the proposed comprehensive agreement
6 available as required by Subsection (e), the responsible
7 governmental entity shall hold a public hearing on the final
8 version of the proposed comprehensive agreement and vote on the
9 proposed comprehensive agreement after the hearing. The hearing
10 must be held not later than the 10th day before the date the entity
11 enters into a comprehensive agreement with a contracting person.

12 SECTION 26. (a) Subchapter B, Chapter 2267, Government
13 Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd
14 Legislature, Regular Session, 2011, is amended by adding Section
15 2267.067 to read as follows:

16 Sec. 2267.067. QUALIFYING PROJECT IN CAPITOL COMPLEX.
17 (a) A qualifying project for property located in the Capitol
18 Complex, as defined by Section 411.061(a)(1), must be consistent
19 with Capitol Complex design guidelines or standards adopted as part
20 of the Capitol Complex master plan developed under Section
21 2166.105.

22 (b) A responsible governmental entity shall include design
23 guidelines and standards defined in Subsection (a) in the request
24 for proposals or invitation for bids for the development or
25 operation of a qualifying project and inform the persons who submit
26 proposals of the requirement to comply with the design guidelines
27 and standards. The final proposal or invitation must be submitted

1 to the State Preservation Board for verification that the proposal
2 complies with the design guidelines and standards.

3 (c) A responsible governmental entity shall submit a final
4 qualifying project proposal for property in the area described by
5 Subsection (a) to the State Preservation Board. The board by
6 majority vote may disapprove the proposal not later than the 60th
7 day after the date the proposal is received by the board.

8 (d) A responsible governmental entity may not approve a
9 qualifying project proposal for property in the area described by
10 Subsection (a) before September 1, 2015. This subsection expires
11 September 1, 2015.

12 (b) If S.B. No. 894, Acts of the 83rd Legislature, Regular
13 Session, 2013, or similar legislation relating to real property
14 within the Capitol Complex is enacted and becomes law, this section
15 has no effect.

16 SECTION 27. Subsection (a), Section 2268.052, Government
17 Code, is amended to read as follows:

18 (a) The commission consists of the following five [~~11~~]
19 members:

20 (1) the chair of the House Appropriations Committee
21 [~~or the chair's designee~~];

22 (2) one representative [~~three representatives~~]
23 appointed by the speaker of the house of representatives;

24 (3) the chair of the Senate Finance Committee [~~or the~~
25 ~~chair's designee~~];

26 (4) one senator [~~three senators~~] appointed by the
27 lieutenant governor; and

1 (5) one public member [~~three representatives of the~~
2 ~~executive branch,~~] appointed by the governor.

3 SECTION 28. Section 2268.055, Government Code, is amended
4 to read as follows:

5 Sec. 2268.055. MEETINGS. (a) The commission shall hold
6 meetings quarterly or on the call of the presiding officer.

7 (b) Commission meetings are subject to Chapter 551.

8 SECTION 29. Subsection (a), Section 2268.056, Government
9 Code, is amended to read as follows:

10 (a) The State Preservation Board [~~legislative body that the~~
11 ~~presiding officer serves~~] shall provide administrative staff
12 support for the commission.

13 SECTION 30. Subsections (e), (g), and (i), Section
14 2268.058, Government Code, are amended to read as follows:

15 (e) The [~~If the~~] commission in a public hearing by majority
16 vote of the members present shall approve or disapprove each
17 detailed [~~accepts a~~] proposal submitted to the commission for
18 review and may [~~, the commission shall~~] provide its findings and
19 recommendations to the responsible governmental entity not later
20 than the 45th day after the date the commission receives complete
21 copies of the detailed proposal. If the commission does not
22 provide its findings or recommendations to the responsible
23 governmental entity by that date, the commission is considered to
24 [~~have declined review of the proposal and to~~] not have made any
25 findings or recommendations on the proposal.

26 (g) The commission shall include in any [~~review accepted~~
27 ~~detailed proposals and provide~~] findings and recommendations

1 provided to the responsible governmental entity [~~that include~~]:

2 (1) a determination on whether the terms of the
3 proposal and proposed qualifying project create state
4 tax-supported debt, taking into consideration the specific
5 findings of the comptroller with respect to the recommendation;

6 (2) an analysis of the potential financial impact of
7 the qualifying project;

8 (3) a review of the policy aspects of the detailed
9 proposal and the qualifying project; and

10 (4) proposed general business terms.

11 (i) The [~~Except as provided by Subsection (e), the~~]
12 responsible governmental entity may not negotiate [~~begin~~
13 ~~negotiation of~~] an interim or comprehensive agreement for a
14 detailed proposal that has been disapproved by [~~until~~] the
15 commission [~~has submitted its recommendations or declined to accept~~
16 ~~the detailed proposals for review~~].

17 SECTION 31. Subsection (c), Section 211.013, Local
18 Government Code, is amended to read as follows:

19 (c) Except as provided by Section 2267.005, Government
20 Code, this [~~This~~] subchapter does not apply to a building, other
21 structure, or land under the control, administration, or
22 jurisdiction of a state or federal agency.

23 SECTION 32. Subsection (d), Section 31.155, Natural
24 Resources Code, is amended to read as follows:

25 (d) The duty under this subchapter of the division to review
26 and verify real property records and to make recommendations
27 regarding real property and of the commissioner to prepare a report

1 involving real property does not apply to:

2 (1) the real property of an institution of higher
3 education;

4 (2) the real property that is part of a fund created or
5 specifically authorized by the constitution of this state and that
6 is administered by or with the assistance of the land office;

7 (3) the real property of the Employees Retirement
8 System of Texas; ~~and~~

9 (4) the real property of the Teacher Retirement System
10 of Texas; and

11 (5) the real property included in the Capitol Complex
12 as defined by Section 411.061(a)(1), Government Code.

13 SECTION 33. Section 552.153, Government Code, as added by
14 Chapter 1334 (Senate Bill No. 1048), Acts of the 82nd Legislature,
15 Regular Session, 2011, is repealed.

16 SECTION 34. Subsection (d), Section 2268.058, Government
17 Code, is repealed.

18 SECTION 35. (a) Not later than January 1, 2014, the
19 following are transferred from the Texas School for the Blind and
20 Visually Impaired to the Texas Facilities Commission:

21 (1) the powers, duties, functions, programs, and
22 activities of the Texas School for the Blind and Visually Impaired
23 relating to the maintenance of the school's physical facilities;

24 (2) any obligations and contracts of the Texas School
25 for the Blind and Visually Impaired that are directly related to
26 implementing a power, duty, function, program, or activity
27 transferred under this subsection; and

1 (3) all property and records in the custody of the
2 Texas School for the Blind and Visually Impaired that are related to
3 a power, duty, function, program, or activity transferred under
4 this subsection and all funds appropriated by the legislature for
5 that power, duty, function, program, or activity.

6 (b) The Texas Facilities Commission and the Texas School for
7 the Blind and Visually Impaired shall enter into a memorandum of
8 understanding as provided by Subsection (h-1), Section 30.022,
9 Education Code, as added by this Act, that:

10 (1) identifies in detail the applicable powers and
11 duties that are transferred between the two agencies by this Act;
12 and

13 (2) establishes a plan for the identification and
14 transfer of the records, personnel, property, and unspent
15 appropriations of the Texas School for the Blind and Visually
16 Impaired that are used for purposes of the commission's powers and
17 duties directly related to the maintenance of the school's physical
18 facilities under Section 30.022, Education Code.

19 SECTION 36. (a) Not later than January 1, 2014, the
20 following are transferred from the Texas School for the Deaf to the
21 Texas Facilities Commission:

22 (1) the powers, duties, functions, programs, and
23 activities of the Texas School for the Deaf relating to the
24 maintenance of the school's physical facilities;

25 (2) any obligations and contracts of the Texas School
26 for the Deaf that are directly related to implementing a power,
27 duty, function, program, or activity transferred under this

1 subsection; and

2 (3) all property and records in the custody of the
3 Texas School for the Deaf that are related to a power, duty,
4 function, program, or activity transferred under this subsection
5 and all funds appropriated by the legislature for that power, duty,
6 function, program, or activity.

7 (b) The Texas Facilities Commission and the Texas School for
8 the Deaf shall enter into a memorandum of understanding as provided
9 by Subsection (h-1), Section 30.052, Education Code, as added by
10 this Act, that:

11 (1) identifies in detail the applicable powers and
12 duties that are transferred between the two agencies by this Act;
13 and

14 (2) establishes a plan for the identification and
15 transfer of the records, personnel, property, and unspent
16 appropriations of the Texas School for the Deaf that are used for
17 purposes of the commission's powers and duties directly related to
18 the maintenance of the school's physical facilities under Section
19 30.052, Education Code.

20 SECTION 37. The Texas Facilities Commission shall:

21 (1) not later than January 1, 2014:

22 (A) develop the qualifying project review
23 guidelines required by Section 2165.352, Government Code, as added
24 by this Act;

25 (B) develop the qualifying project proposal fee
26 schedule required by Section 2165.353, Government Code, as added by
27 this Act; and

1 (C) adopt the comprehensive planning and
2 development process required by Section 2166.107, Government Code,
3 as added by this Act; and

4 (2) not later than July 1, 2014:

5 (A) prepare the Capitol Complex master plan
6 required by Section 2166.105, Government Code, as added by this
7 Act, and submit the plan as required by that section; and

8 (B) prepare the comprehensive capital
9 improvement and deferred maintenance plan required by Section
10 2166.108, Government Code, as added by this Act.

11 SECTION 38. Not later than December 1, 2016, the
12 Partnership Advisory Commission established under Chapter 2268,
13 Government Code, shall submit to the lieutenant governor, the
14 speaker of the house of representatives, and the appropriate
15 legislative standing committees recommendations on proposed
16 amendments to Chapters 2267 and 2268, Government Code.

17 SECTION 39. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2013.