

By: Watson, et al.  
(J. Davis of Harris)

S.B. No. 507

Substitute the following for S.B. No. 507:

By: Vo

C.S.S.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to public and private facilities and infrastructure.

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

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

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

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

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

SECTION 2. Section 2267.001, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Subdivisions (1-a) and (9-b) to read as follows:

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

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

SECTION 3. Subchapter A, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Sections 2267.005,

2267.006, 2267.007, and 2267.008 to read as follows:

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

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

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

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

Sec. 2267.006. SPECIAL BOARD OF REVIEW. (a) If a qualifying project involving a state facility or state-owned land does not comply with the zoning and land use regulations of a municipality as required by Section 2267.005 and the municipality denies a rezoning request for the qualifying project, the matter may be appealed to a special board of review consisting of the following members:

(1) the land commissioner;

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

(3) the mayor of the municipality;

(4) the county judge of the county in which the

1 municipality is located;

2 (5) one state senator from the area impacted by the  
3 project, selected by the lieutenant governor;

4 (6) one member of the house of representatives from  
5 the area impacted by the project, selected by the speaker of the  
6 house of representatives; and

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

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

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

15 (d) If after the hearings, the special board of review  
16 determines that the zoning and land use regulations are detrimental  
17 to the best interest of this state, the special board of review  
18 shall issue an order establishing a development plan to govern the  
19 use of the real property related to the qualifying project.  
20 Development of the real property must be in accordance with the plan  
21 and comply with all applicable municipal regulations, orders, or  
22 ordinances except as specifically identified by the order of the  
23 special board of review. If substantial progress is not made in  
24 implementing the qualifying project before the fifth anniversary of  
25 the date the development plan is adopted by the special board of  
26 review, the municipal zoning and land use regulations become  
27 applicable to development of the property, unless the special board

1 of review adopts a new development plan.

2 (e) A development plan adopted by the special board of  
3 review and any plan accepted by a responsible governmental entity  
4 is final and binding on the state, the responsible governmental  
5 entity, lessees, successors in interest and assigns, and the  
6 affected municipality unless revised by the special board of  
7 review.

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

11 Sec. 2267.007. CONFLICT OF INTEREST. An employee of a  
12 responsible governmental entity or a person related to the employee  
13 within the second degree by consanguinity or affinity, as  
14 determined under Chapter 573, may not accept money, a financial  
15 benefit, or other consideration from a contracting person that has  
16 entered into a comprehensive agreement with the responsible  
17 governmental entity.

18 Sec. 2267.008. PROHIBITED EMPLOYMENT WITH FORMER OR RETIRED  
19 GOVERNMENTAL ENTITY EMPLOYEES. (a) A contracting person may not  
20 employ or enter into a professional services contract or a  
21 consulting services contract under Chapter 2254 with a former or  
22 retired employee of the responsible governmental entity with which  
23 the person has entered into a comprehensive agreement before the  
24 first anniversary of the date on which the former or retired  
25 employee terminates employment with the entity.

26 (b) This section does not prohibit the contracting person  
27 from entering into a professional services contract with a

1 corporation, firm, or other business organization that employs a  
2 former or retired employee of the responsible governmental entity  
3 before the first anniversary of the date the former or retired  
4 employee terminates employment with the entity if the former or  
5 retired employee does not perform services for the corporation,  
6 firm, or other business organization under the comprehensive  
7 agreement with the responsible governmental entity that the former  
8 or retired employee worked on before terminating employment with  
9 the entity.

10 SECTION 4. Section 2267.051, Government Code, as added by  
11 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular  
12 Session, 2011, is amended by amending Subsection (a) and adding  
13 Subsection (a-1) to read as follows:

14 (a) Except as provided by Subsection (a-1), a [A] person may  
15 not develop or operate a qualifying project unless the person  
16 obtains the approval of and contracts with the responsible  
17 governmental entity under this chapter. The person may initiate  
18 the approval process by submitting a proposal requesting approval  
19 under Section 2267.053(a), or the responsible governmental entity  
20 may request proposals or invite bids under Section 2267.053(b).

21 (a-1) A person may not develop or operate a qualifying  
22 project on property located within the Capitol Complex, as defined  
23 by Section 411.061(a)(1), unless the person obtains the approval of  
24 and contracts with the responsible governmental entity under this  
25 chapter. The person may not initiate the approval process by  
26 submitting a proposal requesting approval under Section  
27 2267.053(a). However, the responsible governmental entity may

1 request proposals or invite bids under Section 2267.053(b).

2       SECTION 5. Section 2267.052, Government Code, as added by  
3 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular  
4 Session, 2011, is amended by amending Subsections (b) and (c) and  
5 adding Subsections (c-1) and (d) to read as follows:

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

8           (1) require the responsible governmental entity to:

9               (A) make a representative of the entity available  
10 to meet with persons who are considering submitting a proposal; and

11               (B) provide notice of the representative's  
12 availability;

13           (2) provide reasonable criteria for choosing among  
14 competing proposals;

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

17           (4) allow the responsible governmental entity to  
18 accelerate the selection, review, and documentation timelines for  
19 proposals involving a qualifying project considered a priority by  
20 the entity;

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

23               (A) a cost-benefit analysis;

24               (B) an assessment of opportunity cost;

25               (C) consideration of the degree to which  
26 functionality and services similar to the functionality and  
27 services to be provided by the proposed project are already

1 available in the private market; and

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

4 (6) allow the responsible governmental entity to  
5 consider the nonfinancial benefits of a proposed qualifying  
6 project;

7 (7) for a proposed qualifying project to improve real  
8 property, require the responsible governmental entity to evaluate  
9 the project's design quality, life-cycle costs, and relationship to  
10 any relevant comprehensive planning or zoning requirements;

11 (8) include criteria for:

12 (A) the qualifying project, including the scope,  
13 costs, and duration of the project and the involvement or impact of  
14 the project on multiple public entities;

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

19 (C) compliance with the requirements of Chapter  
20 2268;

21 (9) ~~[(8)]~~ require the responsible governmental entity  
22 to analyze the adequacy of the information to be released by the  
23 entity when seeking competing proposals and require that the entity  
24 provide more detailed information, if the entity determines  
25 necessary, to encourage competition, subject to Section  
26 2267.053(g);

27 (10) ~~[(9)]~~ establish criteria, key decision points,

1 and approvals required to ensure that the responsible governmental  
2 entity considers the extent of competition before selecting  
3 proposals and negotiating an interim or comprehensive agreement;  
4 and

5 (11) [~~(10)~~] require the posting and publishing of  
6 public notice of a proposal requesting approval of a qualifying  
7 project, including:

8 (A) specific information and documentation  
9 regarding the nature, timing, and scope of the qualifying project,  
10 as required under Section 2267.053(a);

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

20 (C) a requirement for advertising the notice on  
21 the governmental entity's Internet website and on TexasOnline or  
22 the state's official Internet website.

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

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

27 (2) [~~must include~~] a requirement that the governmental



1 entity engage the services of qualified professionals, including an  
2 architect, professional engineer, or certified public accountant,  
3 not otherwise employed by the governmental entity, to provide  
4 independent analyses regarding the specifics, advantages,  
5 disadvantages, and long-term and short-term costs of any proposal  
6 requesting approval of a qualifying project unless the governing  
7 body of the governmental entity determines that the analysis of the  
8 proposal is to be performed by similarly qualified employees of the  
9 governmental entity.

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

15 (d) A responsible governmental entity described by Section  
16 2267.001(5)(A) shall submit a copy of the guidelines adopted by the  
17 entity under this section to the commission for approval by the  
18 commission. The commission shall prescribe the procedure for  
19 submitting the guidelines for review under this section. The  
20 governmental entity may not request or consider a proposal for a  
21 qualifying project until the guidelines are approved by the  
22 commission. The guidelines are considered disapproved unless the  
23 commission by majority vote of the commission members present and  
24 voting approves the guidelines not later than the 90th day after the  
25 date the commission receives the copy of the guidelines from the  
26 responsible governmental entity.

27 SECTION 6. Section 2267.053, Government Code, as added by

1 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular  
2 Session, 2011, is amended by amending Subsections (a), (b), (g),  
3 and (h) and adding Subsections (a-1), (b-1), and (b-2) to read as  
4 follows:

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

9 (1) a topographic map, with a 1:2,000 or other  
10 appropriate scale, indicating the location of the qualifying  
11 project;

12 (2) a description of the qualifying project,  
13 including:

14 (A) the conceptual design of any facility or a  
15 conceptual plan for the provision of services or technology  
16 infrastructure; and

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

21 (3) a statement of the method the person proposes for  
22 securing necessary property interests required for the qualifying  
23 project;

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

1           (5) a list of all permits and approvals required for  
2 the development and completion of the qualifying project from  
3 local, state, or federal agencies and a projected schedule for  
4 obtaining the permits and approvals;

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

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

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

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

18           (10) a statement of the specific public purpose served  
19 by the qualifying project;

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

23           (12) [~~(10)~~] any additional material and information  
24 the responsible governmental entity reasonably requests.

25           (a-1) A responsible governmental entity that accepts an  
26 unsolicited proposal for a qualifying project under Subsection (a),  
27 in accordance with the requirements of Section 2267.052(b)(11)(B),

1 shall select the contracting person for the project by soliciting  
2 additional proposals through a request for qualifications, request  
3 for proposals, or invitation to bid.

4 (b) A responsible governmental entity may request proposals  
5 or invite bids from persons for the development or operation of a  
6 qualifying project.

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

14 (1) the proposed cost of the qualifying project;  
15 (2) the general reputation, industry experience, and  
16 financial capacity of the person submitting a proposal;

17 (3) the proposed design and overall quality of the  
18 qualifying project;

19 (4) the eligibility of the project for accelerated  
20 selection, review, and documentation timelines under the  
21 responsible governmental entity's guidelines;

22 (5) comments from local citizens and affected  
23 jurisdictions;

24 (6) benefits to the public;

25 (7) the person's good faith effort to comply with the  
26 goals of a historically underutilized business plan;

27 (8) the person's plans to employ local contractors and

1 residents;

2 (9) for a qualifying project that involves a  
3 continuing role beyond design and construction, the person's  
4 proposed rate of return and opportunities for revenue sharing;

5 (10) the relationship and conformity of the qualifying  
6 project to a state or local community plan impacted by the  
7 qualifying project or to the uses of property surrounding the  
8 qualifying project;

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

11 (12) the environmental impact of the qualifying  
12 project; and

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

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

20 (g) The responsible governmental entity shall take action  
21 appropriate under Section 552.153 to protect confidential and  
22 proprietary information provided by a proposer and by the  
23 contracting person under an agreement.

24 (h) Before entering into [~~the negotiation of~~] an interim or  
25 comprehensive agreement, each responsible governmental entity  
26 described by Section 2267.001(5)(A) must submit copies of detailed  
27 proposals, including drafts of any interim agreement and the

1 comprehensive agreement, to the Partnership Advisory Commission in  
2 accordance with Chapter 2268.

3 SECTION 7. Subsection (a), Section 2267.058, Government  
4 Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd  
5 Legislature, Regular Session, 2011, is amended to read as follows:

6 (a) Before developing or operating the qualifying project,  
7 the contracting person must enter into a comprehensive agreement  
8 with a responsible governmental entity. The comprehensive  
9 agreement shall provide for:

10 (1) delivery of letters of credit or other security in  
11 connection with the development or operation of the qualifying  
12 project, in the forms and amounts satisfactory to the responsible  
13 governmental entity, and delivery of performance and payment bonds  
14 in compliance with Chapter 2253 for all construction activities;

15 (2) review of plans and specifications for the  
16 qualifying project by the responsible governmental entity and  
17 approval by the responsible governmental entity indicating that  
18 ~~[if]~~ the plans and specifications conform to standards acceptable  
19 to the responsible governmental entity, except that the contracting  
20 person may not be required to provide final design documents for  
21 ~~[complete the design of]~~ a qualifying project before the execution  
22 of a comprehensive agreement;

23 (3) inspection of the qualifying project by the  
24 responsible governmental entity to ensure that the contracting  
25 person's activities are acceptable to the responsible governmental  
26 entity in accordance with the comprehensive agreement;

27 (4) maintenance of a public liability insurance

1 policy, copies of which must be filed with the responsible  
2 governmental entity accompanied by proofs of coverage, or  
3 self-insurance, each in the form and amount satisfactory to the  
4 responsible governmental entity and reasonably sufficient to  
5 ensure coverage of tort liability to the public and project  
6 employees and to enable the continued operation of the qualifying  
7 project;

8 (5) monitoring of the practices of the contracting  
9 person by the responsible governmental entity to ensure that the  
10 qualifying project is properly maintained;

11 (6) reimbursement to be paid to the responsible  
12 governmental entity for services provided by the responsible  
13 governmental entity;

14 (7) filing of appropriate financial statements on a  
15 periodic basis; and

16 (8) policies and procedures governing the rights and  
17 responsibilities of the responsible governmental entity and the  
18 contracting person if the comprehensive agreement is terminated or  
19 there is a material default by the contracting person, including  
20 conditions governing:

21 (A) assumption of the duties and  
22 responsibilities of the contracting person by the responsible  
23 governmental entity; and

24 (B) the transfer or purchase of property or other  
25 interests of the contracting person to the responsible governmental  
26 entity.

27 SECTION 8. The heading to Section 2267.066, Government

Code, is amended to read as follows:

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

SECTION 9. Section 2267.066, Government Code, is amended by amending Subsections (c) and (d) and adding Subsection (e-1) to read as follows:

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

(d) The responsible governmental entity shall hold a public hearing on the proposal during the proposal review process not later than the 30th day before the date the entity enters into an interim or comprehensive agreement. The public hearing shall be held in the area in which the proposed qualifying project is to be performed.

(e-1) After making the proposed comprehensive agreement available as required by Subsection (e), the responsible governmental entity shall hold a public hearing on the final version of the proposed comprehensive agreement and vote on the



1 proposed comprehensive agreement after the hearing. The hearing  
2 must be held not later than the 10th day before the date the entity  
3 enters into a comprehensive agreement with a contracting person.

4 SECTION 10. Subchapter B, Chapter 2267, Government Code, as  
5 added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature,  
6 Regular Session, 2011, is amended by adding Section 2267.067 to  
7 read as follows:

8 Sec. 2267.067. QUALIFYING PROJECT IN CAPITOL COMPLEX.

9 (a) A qualifying project for property located in the Capitol  
10 Complex, as defined by Section 411.061(a)(1), must be consistent  
11 with Capitol Complex design guidelines or standards adopted as part  
12 of a 1989 planning process or subsequently adopted based on a  
13 Capitol Complex master plan developed thereafter.

14 (b) A responsible governmental entity shall include design  
15 guidelines and standards defined in Subsection (a) in the request  
16 for proposals or invitation for bids for the development or  
17 operation of a qualifying project and inform the persons who submit  
18 proposals of the requirement to comply with the design guidelines  
19 and standards. The final proposal or invitation must be submitted  
20 to the State Preservation Board for verification that the proposal  
21 complies with the standards.

22 (c) A responsible governmental entity shall submit a final  
23 qualifying project proposal for property in the area described by  
24 Subsection (a) to the State Preservation Board. The State  
25 Preservation Board by majority vote may disapprove the proposal not  
26 later than the 60th day after the date the proposal is received.

27 (d) A responsible governmental entity may not approve a

1 qualifying project proposal for property in the area described by  
2 Subsection (a) before September 1, 2015. This subsection expires  
3 September 1, 2015.

4 SECTION 11. Subsection (a), Section 2268.052, Government  
5 Code, is amended to read as follows:

6 (a) The commission consists of the following six ~~[11]~~  
7 members:

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

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

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

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

16 (5) the executive director of the State Preservation  
17 Board, who serves as a nonvoting member; and

18 (6) one public member ~~[three representatives of the~~  
19 ~~executive branch,]~~ appointed by the governor.

20 SECTION 12. Section 2268.053, Government Code, is amended  
21 to read as follows:

22 Sec. 2268.053. PRESIDING OFFICER. (a) The executive  
23 director of the State Preservation Board shall serve as presiding  
24 officer of the commission.

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

SECTION 13. Subsection (a), Section 2268.056, Government Code, is amended to read as follows:

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

SECTION 14. Subchapter B, Chapter 2268, Government Code, is amended by adding Section 2268.0585 to read as follows:

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

SECTION 15. Section 552.153, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

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

(A) disclosure to the public before or after the execution of an interim or comprehensive agreement would adversely

1 affect the financial interest or bargaining position of the  
2 responsible governmental entity; and

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

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

9 (A) trade secrets of the proposer ~~[contracting~~  
10 ~~person]~~;

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

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

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

24 SECTION 16. Subsection (c), Section 211.013, Local  
25 Government Code, is amended to read as follows:

26 (c) Except as provided by Section 2267.005, Government  
27 Code, this ~~[This]~~ subchapter does not apply to a building, other

1 structure, or land under the control, administration, or  
2 jurisdiction of a state or federal agency.

3 SECTION 17. Subsection (e), Section 31.155, Natural  
4 Resources Code, is amended to read as follows:

5 (e) The duties of the division to make recommendations  
6 regarding real property and of the commissioner to prepare a report  
7 involving real property under this subchapter do not apply to:

8 (1) the real property of the Texas Historical  
9 Commission;

10 (2) the real property comprising the Alamo;

11 (3) the real property comprising the French Legation;

12 (4) the real property comprising the Governor's  
13 Mansion;

14 (5) the real property comprising the Texas State  
15 Cemetery, more specifically described as 17.376 acres located at  
16 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas;

17 (6) the real property administered by the State  
18 Preservation Board; ~~and~~

19 (7) highway rights-of-way owned by the Texas  
20 Department of Transportation; and

21 (8) the real property located in the Capitol Complex  
22 as defined by Section 411.061(a)(1), Government Code.

23 SECTION 18. (a) The term of the presiding officer of the  
24 Partnership Advisory Commission serving immediately before the  
25 effective date of this Act expires on the effective date of this  
26 Act. This subsection does not affect the entitlement of that  
27 individual to continue to serve as a member of the commission.

1           (b) Not later than December 1, 2016, the Partnership  
2 Advisory Commission established under Chapter 2268, Government  
3 Code, shall submit to the lieutenant governor, the speaker of the  
4 house of representatives, and the appropriate legislative standing  
5 committees recommendations on proposed amendments to Chapters 2267  
6 and 2268, Government Code.

7           SECTION 19. If Senate Bill No. 894, 83rd Legislature,  
8 Regular Session, or similar legislation exempting property in the  
9 Capitol Complex as defined by Subdivision (1), Subsection (a),  
10 Section 411.061, Government Code, from Chapter 2267, Government  
11 Code, as added by Chapter 1334 (Senate Bill No. 1048), Acts of the  
12 82nd Legislature, Regular Session, 2011, is passed and signed into  
13 law, Sections 4 and 10 of this Act do not take effect.

14           SECTION 20. This Act takes effect September 1, 2013.