

By: Watson, Eltife

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

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

SECTION 2. 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, and 2267.007 to read as follows:

Sec. 2267.005. APPLICABILITY OF MUNICIPAL ZONING REGULATIONS. (a) Except as provided by Subsection (b), 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 uses a building, other structure, or land under the control, administration, or jurisdiction of a state agency for the same purposes for which the state agency used the building, structure, or land.

Sec. 2267.006. CONFLICT OF INTEREST. An employee of a

responsible governmental entity or a person related to the employee within the second degree by consanguinity or affinity, as determined under Chapter 573, may not accept money, a financial benefit, or other consideration from a contracting person that has entered into a comprehensive agreement with the responsible governmental entity.

Sec. 2267.007. PROHIBITED EMPLOYMENT WITH FORMER OR RETIRED GOVERNMENTAL ENTITY EMPLOYEES. (a) A contracting person may not employ or enter into a professional services contract or a consulting services contract under Chapter 2254 with a former or retired employee of the responsible governmental entity with which the person has entered into a comprehensive agreement before the first anniversary of the date on which the former or retired employee terminates employment with the entity.

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

SECTION 3. Section 2267.052, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular

Session, 2011, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

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

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

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

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

SECTION 4. Section 2267.053, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Subsections (a-1) and (b-1) to

1 read as follows:

2 (a-1) A responsible governmental entity that approves a
3 proposal for a qualifying project under Subsection (a) shall select
4 the contracting person for the project by soliciting additional
5 proposals through a request for proposals or invitation to bid.

6 (b-1) A responsible governmental entity may approve a
7 qualifying project that the governmental entity determines serves a
8 public purpose. The governmental entity must include in the
9 comprehensive agreement for the qualifying project a written
10 declaration of the specific public purpose served by the project.

11 SECTION 5. The heading to Section 2267.066, Government
12 Code, is amended to read as follows:

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

15 SECTION 6. Section 2267.066, Government Code, is amended by
16 amending Subsection (d) and adding Subsection (e-1) to read as
17 follows:

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

24 (e-1) After making the proposed comprehensive agreement
25 available as required by Subsection (e), the responsible
26 governmental entity shall hold a public hearing on the final
27 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 7. Subchapter B, Chapter 2268, Government Code, is
5 amended by adding Section 2268.0585 to read as follows:

6 Sec. 2268.0585. DISAPPROVAL OF QUALIFYING PROJECT
7 PROPOSALS OF CERTAIN RESPONSIBLE GOVERNMENTAL ENTITIES. The
8 commission by majority vote may disapprove a qualifying project
9 proposal submitted by a governmental entity described by Section
10 2267.001(5)(A).

11 SECTION 8. Section 211.013(c), Local Government Code, is
12 amended to read as follows:

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

17 SECTION 9. The changes in law made by this Act apply only to
18 a qualifying project for which a proposal requesting approval of
19 the qualifying project is submitted to a responsible governmental
20 entity under Chapter 2267, Government Code, as amended by this Act,
21 on or after the effective date of this Act. A proposal submitted
22 before that date is governed by the law in effect on the date the
23 proposal was submitted, and the former law is continued in effect
24 for that purpose.

25 SECTION 10. This Act takes effect September 1, 2013.