

SENATE AMENDMENTS

2nd Printing

By: Cook

H.B. No. 3436

A BILL TO BE ENTITLED

AN ACT

relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.

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

SECTION 1. Subchapter B, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.0531 to read as follows:

Sec. 2267.0531. FORMAL ACTION DELAYED. (a) The responsible governmental entity may not take any formal action on a proposal or bid received under this chapter before September 1, 2015.

(b) This section expires September 2, 2015.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

ADOPTED

MAY 21 2013

Atty. Gen.
Secretary of the Senate

By: Cook

H.B. No. 3436

Substitute the following for H.B. No. 3436:

By: Dewell

C.S. H.B. No. 3436

A BILL TO BE ENTITLED

AN ACT

relating to the use and development of state property, including real property within the Capitol complex.

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

SECTION 1. Subchapter F, Chapter 2165, Government Code, is amended by adding Section 2165.259 to read as follows:

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

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

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

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 Section 2267.005 to read as follows:

Sec. 2267.005. QUALIFYING PROJECTS IN CAPITOL COMPLEX. The Texas Facilities Commission may develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071, as provided by this chapter only if specifically granted

the authority by the legislature.

SECTION 3. Subchapter B, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, is amended by adding Section 2267.0531 to read as follows:

Sec. 2267.0531. COMPREHENSIVE AGREEMENT DELAYED. (a) The responsible governmental entity, as defined by Government Code Chapter 2267.001(5)(A) excluding institutions of higher education, may not enter into a comprehensive agreement under this chapter before September 1, 2014.

(b) This section expires September 2, 2014.

SECTION 4. Section 31.155(d), Natural Resources Code, is amended to read as follows:

(d) The duty under this subchapter of the division to review and verify real property records and to make recommendations regarding real property and of the commissioner to prepare a report involving real property does not apply to:

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

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

(3) the real property of the Employees Retirement System of Texas; [and]

(4) the real property of the Teacher Retirement System

of Texas; and

(5) the real property located in the Capitol complex, as defined by Section 443.0071, Government Code.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3436 by Cook (Relating to the use and development of state property, including real property within the Capitol complex.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code, Chapter 2165 to prevent the lease, sale, or any other disposition of the state's real property or an interest in real property located in the Capitol Complex and amends the definition of the Capitol Complex to be based on the Government Code, Section 443.0071. The bill specifies that the ability of the Texas Facilities Commission to lease state buildings and parking garages under Subchapter E is not affected.

The bill would amend the Government Code, Chapter 2267 to permit the Texas Facilities Commission to develop a qualifying project within the Capitol Complex only if specifically granted the authority by the Legislature. The bill would also delay a responsible governmental entity from entering into a comprehensive agreement on public-private partnership proposals or bids until September 1, 2014. The section would expire September 2, 2014.

The bill takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, it takes effect September 1, 2013.

Multiple agencies including the Texas Facilities Commission, the Texas Education Agency, the Texas A&M University System, the Department of Public Safety, the Texas Department of Criminal Justice, and the General Land Office indicate no fiscal impact to the state. The Department of State Health Services and the University of Texas System anticipate that any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

School districts and other local governments considering a formal action on a proposal or bid for certain public-private partnership construction projects would have to delay action until September 1, 2014.

The Texas Association of Counties and the Texas Municipal League reported that no significant fiscal impact to local governments is anticipated.

In certain cases, construction delays could result in significant costs to school districts and other local governments.

Source Agencies: 303 Facilities Commission, 305 General Land Office and Veterans' Land Board, 405 Department of Public Safety, 537 State Health Services, Department of, 696 Department of Criminal Justice, 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, SD, RB, JI, JJO, TL, KJo, JBi, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Bob Deuell, Chair, Senate Committee on Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3436 by Cook (Relating to the use and development of state property, including real property within the Capitol complex.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code, Chapter 2165 to prevent the lease, sale, or any other disposition of the state's real property or an interest in real property located in the Capitol Complex and amends the definition of the Capitol Complex to be based on the Government Code, Section 443.0071. The bill specifies that the ability of the Texas Facilities Commission to lease state buildings and parking garages under Subchapter E is not affected.

The bill would amend the Government Code, Chapter 2267 to permit the Texas Facilities Commission to develop a qualifying project within the Capitol Complex only if specifically granted the authority by the Legislature. The bill would also delay a responsible governmental entity from entering into a comprehensive agreement on public-private partnership proposals or bids until September 1, 2014. The section would expire September 2, 2014.

The bill takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, it takes effect September 1, 2013.

Multiple agencies including the Texas Facilities Commission, the Texas Education Agency, the Texas A&M University System, the Department of Public Safety, the Texas Department of Criminal Justice, and the General Land Office indicate no fiscal impact to the state. The Department of State Health Services and the University of Texas System anticipate that any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

School districts and other local governments considering a formal action on a proposal or bid for certain public-private partnership construction projects would have to delay action until September 1, 2014.

The Texas Association of Counties and the Texas Municipal League reported that no significant fiscal impact to local governments is anticipated.

In certain cases, construction delays could result in significant costs to school districts and other local governments.

Source Agencies: 303 Facilities Commission, 305 General Land Office and Veterans' Land Board, 405 Department of Public Safety, 537 State Health Services, Department of, 696 Department of Criminal Justice, 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, RB, JI, JJO, TL, KJo, JBi, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 13, 2013

TO: Honorable Bob Deuell, Chair, Senate Committee on Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3436 by Cook (Relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code, Chapter 2267 to delay a formal action on public-private partnership proposals or bids until September 1, 2015. The section would expire September 2, 2015.

The bill takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, it takes effect August 26, 2013.

Multiple agencies including the Texas Facilities Commission, the Texas Education Agency, the Texas A&M University System, the Department of Public Safety, the Texas Department of Criminal Justice, and the General Land Office indicate no fiscal impact to the state. The Department of State Health Services and the University of Texas System anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

School districts and other local governments considering a formal action on a proposal or bid for certain public-private partnership construction projects would have to delay action until September 1, 2015.

The Texas Association of Counties and the Texas Municipal League reported that no significant fiscal impact to local governments is anticipated.

In certain cases, construction delays could result in significant costs to school districts and other local governments.

Source Agencies: 303 Facilities Commission, 305 General Land Office and Veterans' Land Board, 405 Department of Public Safety, 537 State Health Services, Department of, 696 Department of Criminal Justice, 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, RB, JI, JJO, TL, KJo, JBi, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 7, 2013

TO: Honorable Linda Harper-Brown, Chair, House Committee on Government Efficiency & Reform

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3436 by Cook (Relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code, Chapter 2267 to delay a formal action on public-private partnership proposals or bids until September 1, 2013. The section would expire September 2, 2013.

The bill takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, it takes effect August 26, 2013.

Local Government Impact

School districts and other local governments considering a formal action on a proposal or bid for certain public-private partnership construction projects would have to delay action until September 1, 2013. Based on the analysis of the Texas Education Agency, if the provisions of the bill took effect on August 26, 2013, those provisions would only apply for six calendar days, and resulting fiscal impacts to local governments would be minimal. The bill would not affect projects already in progress. If the provisions of the bill took effect earlier due to the bill being approved with the necessary voting margins, construction delays could result in significant costs to school districts and other local governments.

Source Agencies: 303 Facilities Commission, 405 Department of Public Safety, 696 Department of Criminal Justice, 701 Central Education Agency

LBB Staff: UP, KJo, JI, JJO, JBi, KKR