

By: Zwiener

H.B. No. 3592

A BILL TO BE ENTITLED

AN ACT

relating to qualifying projects for public-private partnerships.

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

SECTION 1. Section 2267.001(10), Government Code, is amended to read as follows:

(10) "Qualifying project" means:

(A) any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, technology facility, or other similar facility currently available or to be made available to a governmental entity for public use, including any structure, parking area, appurtenance, and other property required to operate the structure or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; ~~or~~

(B) any improvements necessary or desirable to real property owned by a governmental entity; or

(C) any information technology infrastructure, including broadband or telecommunications infrastructure, installed in a structure or facility owned by a governmental entity.

SECTION 2. Section 2267.003, Government Code, is amended to

read as follows:

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

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

(2) a transportation authority operating under Chapter 451, 452, 453, or 460, Transportation Code, other than a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, in which the principal municipality has a population of 1.9 million or more; or

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

~~(4)]~~ except as provided by Section 2165.259, a qualifying project located in the Capitol Complex, as defined by Section 443.0071.

SECTION 3. Subchapter A, Chapter 2267, Government Code, is amended by adding Section 2267.0053 to read as follows:

Sec. 2267.0053. PROHIBITED ACTION BY GOVERNMENTAL ENTITY.  
A governmental entity that approves as a qualifying project the installation of information technology infrastructure and enters into a contract for the development or operation of the qualifying project may not compete with a private entity in providing telecommunications services.

SECTION 4. Section 2267.001(10), Government Code, as amended by this Act, applies only to a qualifying project for which

1 an agreement is entered into on or after the effective date of this  
2 Act. A qualifying project for which an agreement was entered into  
3 before the effective date of this Act is governed by the law as it  
4 existed on the date the agreement was entered into, and the former  
5 law is continued in effect for that purpose.

6 SECTION 5. This Act takes effect September 1, 2019.