

## **BILL ANALYSIS**

Senate Research Center

H.B. 3436  
By: Cook (Whitmire)  
Economic Development  
5/13/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A prior legislative session enacted provisions for the procurement of public and private facilities and infrastructure by governmental entities under comprehensive agreements with private entities or other persons to develop or operate the qualifying project. It is noted that these provisions allow agencies that elect to operate under them to consider solicited and unsolicited proposals for public-private partnerships on state land and create an advisory commission to oversee projects proposed and implemented under this law.

Interested parties point out that the Texas Facilities Commission (TFC) currently is the only agency that has elected to operate under these provisions and a recent sunset review determined that under TFC's current guidelines, limited staff, and lack of input from all affected parties, the state could be at significant risk should formal action be taken on any of the current public-private partnership proposals. In order to allow TFC time to address these issues, H.B. 3436 seeks to postpone all formal action by TFC on public-private partnerships until September 1, 2015.

H.B. 3436 amends current law relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

Sec. 2267.0531. FORMAL ACTION DELAYED. (a) Prohibits the responsible governmental entity from taking any formal action on a proposal or bid received under this chapter (Public and Private Facilities and Infrastructure) before September 1, 2015.

(b) Provides that this section expires September 2, 2015.

SECTION 2. Effective date: upon passage or the 91st day after the last day of the legislative session.