

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3436
By: Cook (Whitmire)
Economic Development
5/17/2013
Committee Report (Substituted)

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.

C.S.H.B. 3436 amends current law relating to the use and development of state property, including real property within the Capitol complex.

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 F, Chapter 2165, Government Code, by adding Section 2165.259, as follows:

Sec. 2165.259. CAPITOL COMPLEX. (a) Defines "capitol complex" in this section.

(b) Prohibits the Texas Facilities Commission (TFC), notwithstanding Subchapter D (Lease of Public Grounds), from leasing, selling, or otherwise disposing of real property or an interest in real property located in the Capitol complex.

(c) Provides that this section does not affect TFC's authority under Subchapter E (Lease of Space in State-Owned Buildings to Private Tenants) to lease space in state office buildings and parking garages.

SECTION 2. Amends Subchapter A, Chapter 2267, Government Code, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, by adding Section 2267.005, as follows:

Sec. 2267.005. QUALIFYING PROJECTS IN CAPITOL COMPLEX. Authorizes TFC to develop or operate a qualifying project located in the Capitol complex, as defined by Section 443.0071 (Review of Construction in Capitol Complex), as provided by this chapter (Public and Private Facilities and Infrastructure) only if specifically granted the authority by the legislature.

SECTION 3. 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. COMPREHENSIVE AGREEMENT DELAYED. (a) Prohibits the responsible governmental entity, as defined by Section 2267.001(5)(A) (defining "general contractor") excluding institutions of higher education, from entering into a comprehensive agreement under this chapter before September 1, 2014.

(b) Provides that this section expires September 2, 2014.

SECTION 4. Amends Section 31.155(d), Natural Resources Code, to provide that the duty under this subchapter of the asset management division of the General Land Office (GLO) or any other division delegated the duties of the asset management division by the commissioner of the GLO (commissioner) 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 certain property, including the real property located in the Capitol complex, as defined by Section 443.0071, Government Code, and to make nonsubstantive changes.

SECTION 5. Effective date: upon passage or September 1, 2013.