

All Prefiled Amendments for: SB 211

Davis, John

Amendment	831715
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Dutton

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Howard

Amendment	831714
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**The following 5 amendments were
published on 5/13/13 10:26 AM**



13 MAY '13 AM 9 A.M.
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: 

1 Amend S.B. No. 211 (house committee report) as follows:

2 (1) On page 19, line 15, strike "Subdivision (1-a)" and
3 substitute "Subdivisions (1-a) and (9-b)".

4 (2) On page 19, between lines 18 and 19, insert the
5 following:

6 (9-b) "Proposer" means a private entity that submits a
7 proposal for a qualifying project to a responsible governmental
8 entity.

9 (3) On page 20, line 26, between "project" and "does",
10 insert "involving a state facility or state-owned land".

11 (4) On page 21, line 10, between "senator" and "selected",
12 insert "from the area impacted by the project,".

13 (5) On page 21, lines 12-13, between "representatives" and
14 "selected", insert "from the area impacted by the project,".

15 (6) On page 24, line 16, strike "Subsection (d)" and
16 substitute "Subsections (c-1) and (d)".

17 (7) On page 25, line 18, between "(7)" and "include", insert
18 the following:

19 for a proposed qualifying project to improve real property, require
20 the responsible governmental entity to evaluate the project's
21 design quality, life-cycle costs, and relationship to any relevant
22 comprehensive planning or zoning requirements;

23 (8)

24 (8) On page 26, line 1, strike "(8)" and substitute
25 "(9) [+8]".

26 (9) On page 26, line 7, strike "(9)" and substitute
27 "(10) [+9]".

28 (10) On page 26, line 12, strike "(10)" and substitute
29 "(11) [+10]".

(11) On page 27, line 15, between "performed by" and "employees", insert "similarly qualified".

3 (12) On page 27, between lines 16 and 17, insert the
4 following:

5 (c-1) If the qualifying project proposal is for the
6 construction or renovation of a structure and the estimated cost of
7 the project is \$5 million or more, the analyses required under
8 Subsection (c)(2) must include an analysis by an architect, a
9 professional engineer, and a certified public accountant.

10 (13) On page 27, line 24, following the period, insert the
11 following:

12 The guidelines are considered disapproved unless the commission by
13 majority vote of the commission members present and voting approves
14 the guidelines not later than the 90th day after the date the
15 commission receives the copy of the guidelines from the responsible
16 governmental entity.

17 (14) On page 27, line 27, strike "and (b)" and substitute ",
18 (b), (g), and (h)".

19 (15) On page 29, lines 22-23, strike "approves a proposal
20 for a qualifying project under Subsection (a)" and substitute
21 "accepts an unsolicited proposal for a qualifying project under
22 Subsection (a), in accordance with the requirements of Section
23 2267.052(b)(11)(B)."

24 (16) On page 31, between lines 15 and 16, insert the
25 following:

26 (g) The responsible governmental entity shall take action
27 appropriate under Section 552.153 to protect confidential and
28 proprietary information provided by a proposer and by the
29 contracting person under an agreement.

30 (h) Before entering into [the negotiation of] an interim or
31 comprehensive agreement, each responsible governmental entity

1 described by Section 2267.001(5)(A) must submit copies of detailed
2 proposals, including drafts of any interim agreement and the
3 comprehensive agreement, to the Partnership Advisory Commission in
4 accordance with Chapter 2268.

5 (17) On page 33, strike lines 20-25 and substitute the
6 following:

7 (c) Trade secrets, proprietary information, and financial
8 records[~~or other records~~] of a proposer are [~~the contracting~~
9 ~~person~~] excluded from disclosure under Section 552.101 and may not
10 be posted or made available for public inspection except as
11 otherwise agreed to by the responsible governmental entity and the
12 proposer [~~contracting person~~]. After submission by a responsible
13 governmental entity of a detailed qualifying project proposal to
14 the commission, the trade secrets, proprietary information, and
15 financial records of the proposer are not protected from disclosure
16 unless expressly excepted from the requirements of Chapter 552 or
17 considered confidential under other law.

18 (18) On page 34, strike lines 20-21 and substitute "of a
19 1989 planning process or as subsequently adopted based on a Capitol
20 Complex master plan developed after that date."

21 (19) On page 35, line 2, strike "design guidelines and".

22 (20) On page 35, line 18, strike "five" and substitute
23 "six".

24 (21) On page 35, line 27, strike "and" and substitute
25 "[and]".

26 (22) On page 36, line 1, between "(5)" and "one", insert the
27 following:

28 the executive director of the State Preservation Board, who serves
29 as a nonvoting member; and

30 (6)

31 (23) On page 38, lines 13-15, strike SECTION 33 (repealing

1 Section 552.153, Government Code).

2 (24) Add the following appropriately numbered SECTIONS to
3 the bill and renumber the SECTIONS of the bill accordingly:

4 SECTION _____. Section 2268.053, Government Code, is amended
5 to read as follows:

6 Sec. 2268.053. PRESIDING OFFICER. (a) The executive
7 director of the State Preservation Board shall serve as presiding
8 officer of the commission.

9 (b) The members of the commission shall elect from among the
10 legislative members [a presiding officer and] an assistant
11 presiding officer to serve a two-year term [terms].

12 SECTION _____. Subchapter B, Chapter 2268, Government Code,
13 is amended by adding Section 2268.0585 to read as follows:

14 Sec. 2268.0585. DISAPPROVAL OF QUALIFYING PROJECT
15 PROPOSALS OF CERTAIN RESPONSIBLE GOVERNMENTAL ENTITIES. The
16 commission by majority vote may disapprove a qualifying project
17 proposal submitted by a governmental entity described by Section
18 2267.001(5)(A).

19 SECTION _____. Section 552.153, Government Code, as added by
20 Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular
21 Session, 2011, is amended by amending Subsection (b) and adding
22 Subsection (d) to read as follows:

23 (b) Information in the custody of a responsible
24 governmental entity that relates to a proposal for a qualifying
25 project authorized under Chapter 2267 is excepted from the
26 requirements of Section 552.021 if:

27 (1) the information consists of memoranda, staff
28 evaluations, or other records prepared by the responsible
29 governmental entity, its staff, outside advisors, or consultants
30 exclusively for the evaluation and negotiation of proposals filed
31 under Chapter 2267 for which:

5 (B) the basis for the determination under
6 Paragraph (A) is documented in writing by the responsible
7 governmental entity; or

8 (2) the records are provided by a proposer
9 [contracting person] to a responsible governmental entity or
10 affected jurisdiction under Chapter 2267 and contain:

11 (A) trade secrets of the proposer [~~contracting~~
12 ~~person~~];

13 (B) financial records of the proposer
14 [contracting person], including balance sheets and financial
15 statements, that are not generally available to the public through
16 regulatory disclosure or other means; or

17 (C) proprietary [~~other~~] information submitted by
18 the proposer [~~contracting person~~] that, if made public before the
19 execution of an interim or comprehensive agreement, would provide a
20 competing proposer an unjust advantage or adversely affect the
21 financial interest or bargaining position of the responsible
22 governmental entity or the proposer [~~person~~].

23 (d) In this section, "proposer" has the meaning assigned by
24 Section 2267.001, as added by Chapter 1334 (S.B. 1048), Acts of the
25 82nd Legislature, Regular Session, 2011.

26 SECTION _____. The term of the presiding officer of the
27 Partnership Advisory Commission serving immediately before the
28 effective date of this Act expires on the effective date of this
29 Act. This subsection does not affect the entitlement of that
30 individual to continue to serve as a member of the commission.



FLOOR AMENDMENT NO. _____

BY

Amend SB 211, SECTION 11 of the House Committee Report:

On page 27, line 16, between the words "by" and "employee", by inserting the words "similarly qualified".

On page 27, line 17, by adding the following after the word "entity":

"For a proposal for the construction or renovation of a structure or project estimated to cost \$5 million or more, the analysis conducted under this section must include review by all three qualified professionals."

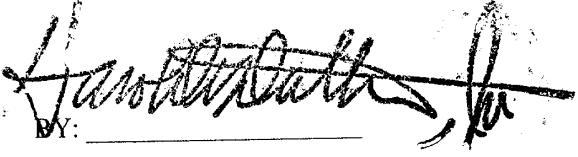
On page 25, line 19, by inserting a new number (7) to read as follows and renumbering the subsequent subsections accordingly:

(7) "ensure that the governmental entity, for a proposed project to improve real property, evaluate design quality, life-cycle costs, and the proposed projects relationship to any relevant comprehensive planning or zoning requirements."

HOUSE OF REPRESENTATIVES
135th LEGISLATURE
4546 13 051



FLOOR AMENDMENT NO. _____

BY: 

Amend SB 211, SECTION 11 of the House Committee Report, as follows:

On page 7, line 11, between the words "plans" and "including", insert the words "design guidelines or zoning requirements".

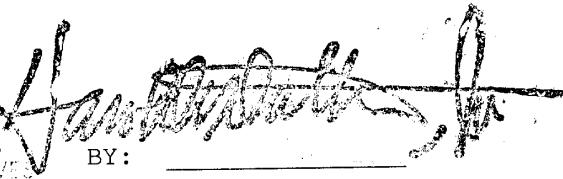
On page 7, line 25, between the words "estate" and "legal", insert the words "design".

On page 8, line 3, between the words "analysis" and "contract", insert the words "design review".

13 MAY 13 AM 9:54
HOUSE OF REPRESENTATIVES



13 MAY 13 AM 9:55

FLOOR AMENDMENT NO. HOUSE OF REPRESENTATIVES BY: 

1 Amend S.B. No. 211 (house committee report) as follows:

2 (1) On page 15, line 10, strike "July 1, 2014" and
3 substitute "April 1, 2016".

4 (2) On page 15, line 18, between "2166.106." and "REVIEW",
5 insert the following:

6 REVIEW OF CAPITOL COMPLEX MASTER PLAN BY PARTNERSHIP
7 ADVISORY COMMISSION. (a) Before a proposed Capitol Complex
8 master plan or proposed update to the plan is submitted and
9 considered approved under Section 2166.1065 and before the
10 commission adopts the plan or update, the commission must submit
11 the plan or update to the Partnership Advisory Commission
12 established under Chapter 2268 for review and comment.

13 (b) Not later than the 60th day after the date the
14 Partnership Advisory Commission receives the plan or update, the
15 advisory commission shall in a public hearing by majority vote
16 of the members present:

17 (1) vote to approve the plan or update; or
18 (2) submit to the commission written comments and
19 recommended modifications to the plan or update.

20 Sec. 2166.1065.

21 (3) On page 15, line 23, strike "and the General Land
22 Office".

23 (4) On page 15, line 24, following the period, insert "Not
24 later than the 60th day before the date the commission holds a
25 public meeting to discuss a proposed Capitol Complex master
26 plan, the commission must submit the proposed plan to the
27 General Land Office for review and comment.".

28 (5) Strike page 16, line 22 through page 17, line 8.

29 (6) On page 41, line 3, strike "and".

1 (7) On page 41, strike lines 4-10, and substitute the
2 following:

3 (2) not later than July 1, 2014, prepare the
4 comprehensive capital improvement and deferred maintenance plan
5 required by Section 2166.108, Government Code, as added by this
6 Act; and

7 (3) not later than April 1, 2016, prepare the Capitol
8 Complex master plan required by Section 2166.105, Government
9 Code, as added by this Act, and submit the plan as required by
10 that section.

13 MAY 12 PH 1



HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY:

Donna Howard

Amend S.B. No. 211 (house committee report) on page 11, between lines 21 and 22, by inserting the following:

Sec. 2165.3561. MUNICIPAL PROJECT. Not later than the 30th day before the date the commission is scheduled to meet and vote on a project to develop or improve state property in a municipality, the commission staff must:

(1) place the project on the commission's meeting agenda to provide the public with notice of the meeting and an opportunity to comment; and

(2) present sufficient information to commission members to enable the members to adequately prepare for the meeting and to address the members' questions and concerns.