

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

26 MAY 2011

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2729 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



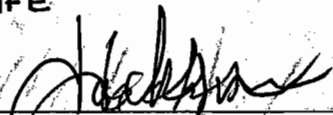
WATSON



ELLIS



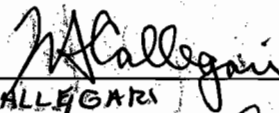
ELTIFE



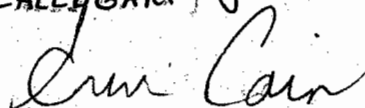
JACKSON



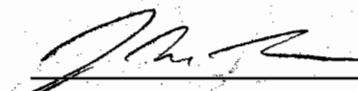
ZAFFIRINO On the part of the Senate



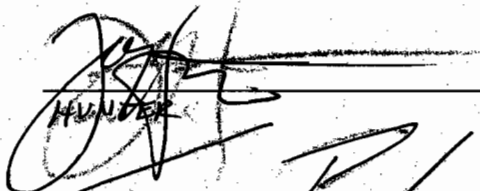
CALLIGARIS



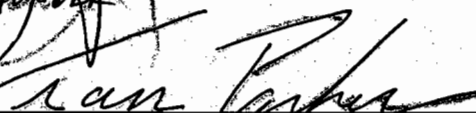
CAIN



LOZANO



HUNDER



PARKER On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2729

A BILL TO BE ENTITLED

AN ACT

1
2 relating to local government contracts with private entities for
3 civil works projects and improvements to real property.

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

5 SECTION 1. Subchapter Z, Chapter 271, Local Government
6 Code, is amended by adding Section 271.908 to read as follows:

7 Sec. 271.908. LOCAL GOVERNMENT CONTRACTS WITH PRIVATE
8 ENTITIES FOR CIVIL WORKS PROJECTS AND IMPROVEMENTS TO REAL
9 PROPERTY. (a) In this section, "civil works project" and "local
10 governmental entity" have the meanings assigned by Section 271.181.

11 (b) A local governmental entity may contract with a private
12 entity to act as the local governmental entity's agent in the
13 design, development, financing, maintenance, operation, or
14 construction, including oversight and inspection, of:

15 (1) a civil works project; or

16 (2) an improvement to real property.

17 (c) A local governmental entity contracting under this
18 section shall:

19 (1) select the private entity based on the private
20 entity's qualifications and experience; and

21 (2) enter into a project development agreement with
22 the private entity.

23 (d) The selected private entity shall comply with:

24 (1) Chapters 1001 and 1051, Occupations Code;

1 (2) all laws relating to procurement of professional
2 services under Chapter 2254, Government Code; and

3 (3) all laws relating to procurement under this
4 chapter that apply to the local governmental entity that selected
5 the private entity.

6 SECTION 2. This Act applies only to a contract entered into
7 on or after the effective date of this Act. A contract entered into
8 before the effective date of this Act is governed by the law in
9 effect when the contract was entered into, and the former law is
10 continued in effect for that purpose.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.

House Bill 2729
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<u>SECTION __ . Amends the Government Code to add Sec. 552.153. PROPRIETARY RECORDS AND TRADE SECRETS INVOLVED IN CERTAIN PARTNERSHIPS. [FA1(2)]</u>	Same as House version.
No equivalent provision.	<u>SECTION __. Subtitle F, Title 10, Government Code, is amended by adding Chapters 2267 and 2268 as follows:</u> <u>CHAPTER 2267. PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE</u> <u>SUBCHAPTER A. GENERAL PROVISIONS</u> <u>Sec. 2267.001. DEFINITIONS.</u> <u>Sec. 2267.002. DECLARATION OF PUBLIC PURPOSE; CONSTRUCTION OF CHAPTER.</u> <u>Sec. 2267.003. APPLICABILITY.</u> <u>Sec. 2267.004. APPLICABILITY OF EMINENT DOMAIN LAW.</u> <u>[Sections 2267.005-2267.050 reserved for expansion]</u> <u>SUBCHAPTER B. QUALIFYING PROJECTS</u> <u>Sec. 2267.051. APPROVAL REQUIRED; SUBMISSION OF PROPOSAL FOR QUALIFYING PROJECT.</u> <u>Sec. 2267.052. ADOPTION OF GUIDELINES BY RESPONSIBLE GOVERNMENTAL ENTITIES.</u> <u>Sec. 2267.053. APPROVAL OF QUALIFYING PROJECTS BY RESPONSIBLE GOVERNMENTAL ENTITY.</u> <u>Sec. 2267.054. SERVICE CONTRACTS.</u> <u>Sec. 2267.055. AFFECTED JURISDICTIONS.</u> <u>Sec. 2267.056. DEDICATION AND CONVEYANCE OF PUBLIC PROPERTY.</u> <u>Sec. 2267.057. POWERS AND DUTIES OF CONTRACTING PERSON.</u> <u>Sec. 2267.058. COMPREHENSIVE AGREEMENT.</u> <u>Sec. 2267.059. INTERIM AGREEMENT.</u>	Same as House version.

House Bill 2729
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 2267.060. FEDERAL, STATE, AND LOCAL ASSISTANCE.
Sec. 2267.061. MATERIAL DEFAULT; REMEDIES.
Sec. 2267.062. EMINENT DOMAIN.
Sec. 2267.063. AFFECTED FACILITY OWNER.
Sec. 2267.064. POLICE POWERS; VIOLATIONS OF LAW.
Sec. 2267.065. PROCUREMENT GUIDELINES.
Sec. 2267.066. POSTING OF PROPOSALS; PUBLIC COMMENT; PUBLIC ACCESS TO PROCUREMENT RECORDS.
CHAPTER 2268. PARTNERSHIP ADVISORY COMMISSION
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 2268.001. DEFINITIONS.
Sec. 2268.002. APPLICABILITY
[Sections 2268.003-2268.050 reserved for expansion]
SUBCHAPTER B. COMMISSION
Sec. 2268.051. ESTABLISHMENT OF COMMISSION.
Sec. 2268.052. COMPOSITION AND TERMS.
Sec. 2268.053. PRESIDING OFFICER.
Sec. 2268.054. COMPENSATION; REIMBURSEMENT.
Sec. 2268.055. MEETINGS.
Sec. 2268.056. ADMINISTRATIVE, LEGAL, RESEARCH, TECHNICAL, AND OTHER SUPPORT.
Sec. 2268.057. COMMISSION PROCEEDINGS.
Sec. 2268.058. SUBMISSION OF DETAILED PROPOSALS FOR QUALIFYING PROJECTS; EXEMPTION; COMMISSION REVIEW.
Sec. 2268.059. CONFIDENTIALITY OF CERTAIN RECORDS SUBMITTED TO COMMISSION. [FA1(2)]

House Bill 2729
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.908. LOCAL GOVERNMENT CONTRACTS WITH PRIVATE ENTITIES FOR CIVIL WORKS PROJECTS AND IMPROVEMENTS TO REAL PROPERTY.

SECTION 2. *This Act* applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 3. Effective date.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. *Section 271.908, Local Government Code, as added by this Act*, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose. [FA1(1)]

SECTION 3. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 27, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2729 by Callegari (Relating to local government contracts with private entities for civil works projects and improvements to real property.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

The bill would add Section 271.908 to Chapter 271 of the Local Government Code to authorize a local governmental entity to contract with a private entity to act as the local governmental entity's agent in the design, development, financing, maintenance, operation, or construction, including oversight and inspection, of a civil works project or improvement to real property. A local governmental entity that enters into a contract would be required to meet certain criteria as defined by the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, AG, KKR, TP

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2729 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

A. Gallegan
(name)

5-26-11
(date)