

1-1 By: Alvarado S.B. No. 2002
1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 25, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 1;
1-6 April 25, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 <u>Lucio</u>	X			
1-9 <u>Schwertner</u>	X			
1-10 <u>Alvarado</u>	X			
1-11 <u>Campbell</u>		X		
1-12 <u>Fallon</u>	X			
1-13 <u>Menéndez</u>	X			
1-14 <u>Nichols</u>	X			
1-15				

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2002 By: Alvarado

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the inclusion of affordable housing as a qualifying
1-20 project for public-private partnerships.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section [2267.001](#)(10), Government Code, is
1-23 amended to read as follows:

1-24 (10) "Qualifying project" means:

1-25 (A) any ferry, mass transit facility, vehicle
1-26 parking facility, port facility, power generation facility, fuel
1-27 supply facility, oil or gas pipeline, water supply facility, public
1-28 work, waste treatment facility, hospital, school, medical or
1-29 nursing care facility, recreational facility, affordable housing,
1-30 public building, technology facility, or other similar facility
1-31 currently available or to be made available to a governmental
1-32 entity for public use, including any structure, parking area,
1-33 appurtenance, and other property required to operate the structure
1-34 or facility and any technology infrastructure installed in the
1-35 structure or facility that is essential to the project's purpose;
1-36 or

1-37 (B) any improvements necessary or desirable to
1-38 real property owned by a governmental entity.

1-39 SECTION 2. Section [2267.002](#)(a), Government Code, is amended
1-40 to read as follows:

1-41 (a) The legislature finds that:

1-42 (1) there is a public need for timely acquisition,
1-43 design, construction, improvement, renovation, expansion,
1-44 equipping, maintenance, operation, implementation, and
1-45 installation of education facilities, affordable housing,
1-46 technology and other public infrastructure, and government
1-47 facilities in this state that serve a public need and purpose;

1-48 (2) the public need may not be wholly satisfied by
1-49 existing methods of procurement in which qualifying projects are
1-50 acquired, designed, constructed, improved, renovated, expanded,
1-51 equipped, maintained, operated, implemented, or installed;

1-52 (3) there are inadequate resources to develop new
1-53 education facilities, affordable housing, technology and other
1-54 public infrastructure, and government facilities for the benefit of
1-55 the citizens of this state, and there is demonstrated evidence that
1-56 partnerships between public entities and private entities or other
1-57 persons can meet these needs by improving the schedule for
1-58 delivery, lowering the cost, and providing other benefits to the
1-59 public;

1-60 (4) financial incentives exist under state and federal

2-1 tax provisions that encourage public entities to enter into
2-2 partnerships with private entities or other persons to develop
2-3 qualifying projects; and

2-4 (5) authorizing private entities or other persons to
2-5 develop or operate one or more qualifying projects may serve the
2-6 public safety, benefit, and welfare by making the projects
2-7 available to the public in a more timely or less costly fashion.

2-8 SECTION 3. Section [2267.003](#), Government Code, is amended to
2-9 read as follows:

2-10 Sec. 2267.003. APPLICABILITY. (a) This chapter does not
2-11 apply to:

2-12 (1) the financing, design, construction, maintenance,
2-13 or operation of a highway in the state highway system;

2-14 (2) a transportation authority operating under
2-15 Chapter [451](#), [452](#), [453](#), or [460](#), Transportation Code, other than a
2-16 metropolitan rapid transit authority operating under Chapter [451](#),
2-17 Transportation Code, in which the principal municipality has a
2-18 population of 1.9 million or more;

2-19 (3) any telecommunications, cable television, video
2-20 service, or broadband infrastructure other than technology
2-21 installed as part of a qualifying project that is essential to the
2-22 project; or

2-23 (4) except as provided by Section [2165.259](#), a
2-24 qualifying project located in the Capitol Complex, as defined by
2-25 Section [443.0071](#).

2-26 (b) A qualifying project for affordable housing may be
2-27 developed or operated only in a county with a population of more
2-28 than 3.3 million.

2-29 SECTION 4. Section [2267.001\(10\)](#), Government Code, as
2-30 amended by this Act, applies only to a qualifying project for which
2-31 an agreement is entered into on or after the effective date of this
2-32 Act.

2-33 SECTION 5. This Act takes effect September 1, 2019.

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