

AN ACT

relating to the use of exclusive development agreements by an intermunicipal commuter rail district.

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

SECTION 1. Section 6, Article 6550c-1, Revised Statutes, is amended to read as follows:

Sec. 6. COMPETITIVE BIDS. A contract in the amount of more than \$15,000 for the construction of improvements or the purchase of material, machinery, equipment, supplies, or any other property except real property may be let only on competitive bids after notice published, at least 15 days before the date set for receiving bids, in a newspaper of general circulation in the district. A board may adopt rules governing the taking of bids and the awarding of contracts. This section does not apply to:

(1) personal or professional services;

(2) the acquisition of existing rail transportation systems; ~~or~~

(3) a contract with a common carrier to construct lines and to operate commuter rail service on lines owned in whole or in part by the carrier; or

(4) an agreement with a private entity under Section 6A of this Article.

SECTION 2. Article 6550c-1, Revised Statutes, is amended by adding Section 6A to read as follows:

1 Sec. 6A. EXCLUSIVE DEVELOPMENT AGREEMENTS. (a) In this
2 section, "exclusive development agreement" means an agreement with
3 a private entity that at a minimum provides for the design and
4 construction of a commuter rail facility or system. The agreement
5 may also provide for the financing, acquisition, maintenance, or
6 operation of a commuter rail facility or system.

7 (b) A board may enter into an exclusive development
8 agreement with a private entity.

9 (c) The board may adopt rules governing agreements under
10 this section.

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, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 485 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 485 passed the House on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor