

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2137
By: Phillips (Staples)
Transportation & Homeland Security
5/19/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Although there is no specific legislative authority for the Texas Transportation Commission (commission) to erect buildings to house its personnel and equipment, there is implied authority to do so in order to carry out the specific powers granted to the commission for furtherance of public road construction and the establishment of a state highway system.

C.S.H.B. 2137 clarifies the commission's authority and reduces redundancies and costly inefficiencies.

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 Section 201.1055, Transportation Code, as follows:

Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES. (a) Creates this subsection from existing text. Authorizes the Texas Department of Transportation (department) and a private entity that offers the best value to the state, notwithstanding any other law, including certain statutes, to enter into an agreement that includes certain provisions.

(b) Requires a project described by this section to be financed in accordance with Section 1232.111, Government Code.

SECTION 2. Amends Section 222.001(1), Transportation Code, to redefine "highway."

SECTION 3. Amends Section 2166.302, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires the commission, except as provided by Subsections (b) and (c), to adopt uniform general conditions to be incorporated into all building construction contracts made by the state, including a contract for project excluded from this chapter by Section 2166.003 (Exceptions), but not including a contract for a project excluded from this chapter by Section 2166.004 (Additional Exceptions).

(c) Provides that Subsection (a) does not apply to a project constructed by and for the department.

SECTION 4. Amends Subchapter C, Chapter 1232, Government Code, by adding Section 1232.111, as follows:

Sec. 1232.111. CERTAIN PROJECTS BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) Authorizes the Texas Public Finance Authority to issue and sell obligations to finance one or more projects described by Section 201.1055(a), Transportation Code. Requires the estimated cost of the project to be specified in the General Appropriations Act or other law, except that the estimated costs of the district

office headquarters facility located in Harris County is \$40 million, notwithstanding Section 1232.108(2).

(b) Provides that any provision of this chapter that relates to certain transactions, actions that may be taken to ensure that the payment of the principal of and interest on the obligations is continued without interruption, and other relevant matters, applies to the issuance or sale of obligations under this section to the extent that the provision may be appropriately made applicable.

(c) Authorizes the legislature to appropriate money from any available source, including the state highway fund, to the department for a specified purpose.

SECTION 5. Makes application of Section 2166.302, Government Code, as amended by this Act, prospective.

SECTION 6. Effective date: upon passage or September 1, 2005.