

1-1 By: Phillips (Senate Sponsor - Staples) H.B. No. 2137  
1-2 (In the Senate - Received from the House April 27, 2005;  
1-3 April 29, 2005, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 20, 2005, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 8, Nays 0; May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2137 By: Staples

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the construction or improvement of buildings by the  
1-11 Texas Department of Transportation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 201.1055, Transportation Code, is  
1-14 amended to read as follows:

1-15 Sec. 201.1055. AGREEMENTS WITH PRIVATE ENTITIES. (a)  
1-16 Notwithstanding any other law, including Subchapter A, Chapter  
1-17 2254, Government Code, Chapters 2165, 2166, and 2167, Government  
1-18 Code, and Sections 202.052, 202.053, 203.051, 203.052, and 223.001  
1-19 of this code, the department and a private entity that offers the  
1-20 best value to the state may enter into an agreement for the [~~that~~  
1-21 ~~includes:~~

1-22 [~~(1) both~~] design and construction, including site  
1-23 development, of a district office headquarters facility or other  
1-24 facilities required to support department operations located on  
1-25 real property owned or leased by the department [in a county with a  
1-26 population of 3.3 million or more,

1-27 [~~(2) a lease of department-owned real property in a~~  
1-28 ~~district that includes a county with a population of 3.3 million or~~  
1-29 ~~more to the private entity,~~

1-30 [~~(3) a provision authorizing the private entity to~~  
1-31 ~~construct and retain ownership of a building on property leased to~~  
1-32 ~~the entity under Subdivision (2), and~~

1-33 [~~(4) a provision under which the department agrees to~~  
1-34 ~~enter into an agreement to lease with an option or options to~~  
1-35 ~~purchase a building constructed on property leased to the entity~~  
1-36 ~~under Subdivision (2)].~~

1-37 (b) A project described by this section must be financed in  
1-38 accordance with Section 1232.111, Government Code.

1-39 SECTION 2. Section 221.001(1), Transportation Code, is  
1-40 amended to read as follows:

1-41 (1) "Highway" includes a public road or part of a  
1-42 public road and a bridge, culvert, building, or other necessary  
1-43 structure related to a public road.

1-44 SECTION 3. Section 2166.302, Government Code, is amended by  
1-45 amending Subsection (a) and adding Subsection (c) to read as  
1-46 follows:

1-47 (a) Except as provided by Subsections [~~Subsection~~] (b) and  
1-48 (c), the commission shall adopt uniform general conditions to be  
1-49 incorporated into all building construction contracts made by the  
1-50 state, including a contract for a project excluded from this  
1-51 chapter by Section 2166.003, but not including a contract for a  
1-52 project excluded from this chapter by Section 2166.004.

1-53 (c) Subsection (a) does not apply to a project constructed  
1-54 by and for the Texas Department of Transportation.

1-55 SECTION 4. Subchapter C, Chapter 1232, Government Code, is  
1-56 amended by adding Section 1232.111 to read as follows:

1-57 Sec. 1232.111. CERTAIN PROJECTS BY TEXAS DEPARTMENT OF  
1-58 TRANSPORTATION. (a) The authority may issue and sell obligations  
1-59 to finance one or more projects described by Section 201.1055(a),  
1-60 Transportation Code. Notwithstanding Section 1232.108(2), the  
1-61 estimated cost of the project must be specified in the General  
1-62 Appropriations Act or other law, except that the estimated cost of  
1-63 the district office headquarters facility located in Harris County

2-1 is \$40 million.  
2-2 (b) Any provision of this chapter that relates to the  
2-3 issuance or sale of obligations to finance the acquisition or  
2-4 construction of a building, including provisions relating to form,  
2-5 procedure, repayment, actions that may be taken to ensure that the  
2-6 payment of the principal of and interest on the obligations is  
2-7 continued without interruption, and other relevant matters,  
2-8 applies to the issuance or sale of obligations under this section to  
2-9 the extent that the provision may be appropriately made applicable.

2-10 (c) The legislature may appropriate money from any  
2-11 available source, including the state highway fund, to the Texas  
2-12 Department of Transportation to make lease payments to the  
2-13 authority for space occupied by the department in a building  
2-14 constructed under Section 201.1055(a), Transportation Code.

2-15 SECTION 5. The changes in law made by this Act to Section  
2-16 2166.302, Government Code, apply only to a contract for which the  
2-17 Texas Department of Transportation first advertises or otherwise  
2-18 solicits bids, proposals, offers, or qualifications on or after the  
2-19 effective date of this Act. A contract for which the Texas  
2-20 Department of Transportation first advertised or otherwise  
2-21 solicited bids, proposals, offers, or qualifications before that  
2-22 date is governed by the law in effect when the first advertisement  
2-23 or solicitation was given, and the former law is continued in effect  
2-24 for that purpose.

2-25 SECTION 6. This Act takes effect immediately if it receives  
2-26 a vote of two-thirds of all the members elected to each house, as  
2-27 provided by Section 39, Article III, Texas Constitution. If this  
2-28 Act does not receive the vote necessary for immediate effect, this  
2-29 Act takes effect September 1, 2005.

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