

Suspending limitations on conference committee jurisdiction,
H.B. No. 2702 (Krusee/Staples)

By: Staples

S.R. No. 1098

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 79th Legislature, Regular Session, 2005, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2702 (construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, and safety of transportation in this state) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add the following to Section 91.054, Transportation Code:

(c) The department may not enter into a comprehensive development agreement with a private entity under this chapter that provides for the lease or use of rights-of-way or related property by the private entity to construct, operate, or maintain a facility that is unrelated to the operation of the rail facility or system.

Explanation: The addition is necessary to address the differences between the conferees on the issue of comprehensive development agreements for facilities that are unrelated to the operation of a rail facility or system by the Texas Department of

Transportation.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add the following to Section 203.092, Transportation Code:

(a-1) Notwithstanding Subsection (a), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2007, and required by the improvement of a nontolled highway to add one or more tolled lanes. This subsection expires September 1, 2007.

(a-2) Notwithstanding Subsection (a), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2007, and required for the improvement of a nontolled highway that has been converted to a turnpike project or toll project. This subsection expires September 1, 2007.

(a-3) Notwithstanding Subsection (a), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2007, and required for the construction of a new location of a turnpike project or toll project or the expansion of a new location of a turnpike project or toll project. This subsection expires September 1, 2007.

Explanation: The addition is necessary to address the differences between the conferees on the issue of the payment of utility relocation costs when the relocation is required because of construction related to toll lanes, turnpike projects, or toll projects.

(3) Senate Rule 12.03(4) is suspended to permit the

committee to add the following to Subsection (a), Section 223.201, Transportation Code:

(5) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986.

Explanation: The addition is necessary to allow the Texas Department of Transportation to enter into a comprehensive development agreement to design, develop, finance, construct, maintain, repair, operate, extend, or expand a state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Subsection (a), Section 141, Internal Revenue Code of 1986.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add the following to Section 223.201, Transportation Code:

(g) The department may combine in a comprehensive development agreement under this subchapter a toll project and a rail facility as defined by Section 91.001.

Explanation: The addition is necessary to allow the Texas Department of Transportation to combine in a comprehensive development agreement a toll project and a rail facility.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add the following to Section 223.203, Transportation Code:

(e-1) Notwithstanding the requirements of this section, the department may prequalify a private entity to submit a detailed proposal to provide services under a design-build contract. The department is not required to publish a request

under Subsection (c) for a design-build contract, and may enter into a design-build contract based solely on an evaluation of detailed proposals submitted in response to a request under Subsection (f) by prequalified private entities. The commission shall adopt rules establishing criteria for the prequalification of a private entity that include the precertification requirements applicable to providers of engineering services and the qualification requirements for bidders on highway construction contracts. Rules for design-build projects adopted pursuant to this subsection shall also provide for an expedited selection process that includes design innovation as a selection criterion.

(e-2) In this section, "design-build contract" means a comprehensive development agreement that includes the design and construction of a turnpike project, does not include the financing of a turnpike project, and may include the acquisition, maintenance, or operation of a turnpike project.

Explanation: The addition is necessary to address the differences between the conferees on the issue of the prequalification of private entities for design-build contracts for certain highway projects.

(6) Senate Rule 12.03(4) is suspended to permit the committee to add the following to Section 223.206, Transportation Code:

(d) The department may not enter into a comprehensive development agreement with a private entity under this subchapter or Section 227.023 that provides for the lease, license, or other use of rights-of-way or related property by the

private entity for the purpose of constructing, operating, or maintaining an ancillary facility that is used for commercial purposes.

Explanation: The addition is necessary to address the differences between the conferees on the issue of comprehensive development agreements by the Texas Department of Transportation relating to the use of highway rights-of-way for certain ancillary facilities.

(7) Senate Rule 12.03(4) is suspended to permit the committee to add the following SECTION to the bill:

SECTION 2.100. Notwithstanding any law to the contrary, neither the Texas Department of Transportation nor a regional mobility authority may acquire property, enter into a contract, grant a franchise, or lease or license property for the purpose of constructing or operating an ancillary facility to be used for a commercial purpose under Chapter 228 or 370, Transportation Code. This section does not apply to a segment of highway under the jurisdiction of a regional mobility authority if the regional mobility authority awarded a comprehensive development agreement for the improvement of that segment before September 1, 2005. This segment does not apply to a segment of the state highway system in Travis or Williamson County if the Texas Department of Transportation awarded an exclusive development agreement for the improvement of that section before September 1, 2005. This section expires September 1, 2007.

Explanation: The addition is necessary to address the differences between the conferees on the issue of the acquisition of property, granting a franchise, or leasing or licensing

property for the purpose of constructing or operating an ancillary facility by certain entities.

(8) Senate Rule 12.03(4) is suspended to permit the committee to add the following to SECTION 8.02 of the bill:

(b) Before the executive director of the Texas Department of Transportation or the director's designee may authorize a person to use a state-operated aircraft, the person must sign an affidavit stating that the person is traveling on official state business. On filing of the affidavit, the person may be authorized to use state-operated aircraft for official state business for a period of one year. A member of the legislature is not required to receive any other additional authorization to use a state-operated aircraft.

Explanation: The addition is necessary to address the differences between the conferees on issues relating to the State Aircraft Pooling Board.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate