

By: Nichols, et al.

S.B. No. 1267

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a moratorium on the inclusion of certain provisions in a
3 comprehensive development agreement or the sale of a toll project
4 and to the creation and duties of a study committee.

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

6 SECTION 1. Subchapter E, Chapter 223, Transportation Code,
7 is amended by adding Section 223.210 to read as follows:

8 Sec. 223.210. MORATORIUM ON CERTAIN TERMS IN COMPREHENSIVE
9 DEVELOPMENT AGREEMENTS OR SALE OF TOLL PROJECTS. (a) In this
10 section:

11 (1) "Toll project" means a toll project described by
12 Section 201.001(b), regardless of whether the toll project:

13 (A) is a part of the state highway system; or

14 (B) is subject to the jurisdiction of the
15 department.

16 (2) "Toll project entity" means a public entity
17 authorized by law to acquire, design, construct, finance, operate,
18 or maintain a toll project, including:

19 (A) the department;

20 (B) a regional tollway authority;

21 (C) a regional mobility authority; or

22 (D) a county.

23 (b) A comprehensive development agreement entered into with
24 a private participant by a toll project entity on or after the

1 effective date of this subsection for the acquisition, design,
2 construction, financing, operation, or maintenance of a toll
3 project may not contain a provision permitting the private
4 participant to operate and collect revenue from the toll project.

5 (c) On or after the effective date of this subsection, a
6 toll project entity may not sell or enter into a contract to sell a
7 toll project of the entity to a private entity.

8 (d) A legislative study committee is created. The committee
9 is composed of nine members, appointed as follows:

10 (1) three members appointed by the lieutenant
11 governor;

12 (2) three members appointed by the speaker of the
13 house of representatives; and

14 (3) three members appointed by the governor.

15 (e) The legislative study committee shall select a
16 presiding officer from among its members and conduct public
17 hearings and study the public policy implications of including in a
18 comprehensive development agreement entered into by a toll project
19 entity with a private participant in connection with a toll project
20 a provision that permits the private participant to operate and
21 collect revenue from the toll project. In addition, the committee
22 shall examine the public policy implications of selling an existing
23 and operating toll project to a private entity.

24 (f) Not later than December 1, 2008, the legislative study
25 committee shall:

26 (1) prepare a written report summarizing:

27 (A) any hearings conducted by the committee;

1 (B) any legislation proposed by the committee;

2 (C) the committee's recommendations for
3 safeguards and protections of the public's interest when a contract
4 for the sale of a toll project to a private entity is entered into;
5 and

6 (D) any other findings or recommendations of the
7 committee; and

8 (2) deliver a copy of the report to the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives.

11 (g) On December 31, 2008, the legislative study committee
12 created under this section is abolished.

13 (h) This section expires September 1, 2009.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.