

By: Carona

S.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the public and governmental oversight of the design,
3 financing, construction, and operation of the Trans-Texas Corridor
4 project.

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

6 SECTION 1. Subchapter A, Chapter 227, Transportation Code,
7 is amended by adding Sections 227.005, 227.006, 227.007, and
8 227.008 to read as follows:

9 Sec. 227.005. PUBLIC ACCESS TO INFORMATION. (a) The
10 department shall:

11 (1) seek to achieve transparency in the department's
12 functions related to the Trans-Texas Corridor by providing, to the
13 greatest extent possible under the public information law (Chapter
14 552, Government Code) and other statutes governing the access to
15 records, public access to information collected, assembled, or
16 maintained by the department relating to the Trans-Texas Corridor;

17 (2) make public in a timely manner all documents,
18 plans, and contracts related to the Trans-Texas Corridor; and

19 (3) make public in a timely manner all updates to the
20 master development plan for the Trans-Texas Corridor, including
21 financial plans.

22 (b) The department shall send electronic versions of all
23 updates to the master development plan for the Trans-Texas Corridor
24 to the Governor's Office of Budget and Planning, the Senate Finance

1 Committee, the House Appropriations Committee, the Legislative
2 Budget Board, the state auditor's office, and the comptroller in a
3 timely manner.

4 Sec. 227.006. POSTING INFORMATION RELATING TO TRANS-TEXAS
5 CORRIDOR ON DEPARTMENT'S WEBSITE. (a) The department shall post
6 on the department's Internet website, in a timely manner, the costs
7 incurred by the department in connection with the financing,
8 design, construction, maintenance, or operation of the Trans-Texas
9 Corridor.

10 (b) Not later than the 10th day after the date the
11 department enters into a contract relating to the Trans-Texas
12 Corridor, the department shall post a copy of the contract on the
13 department's Internet website.

14 (c) The department shall post each financial forecast
15 prepared in connection with a segment of the Trans-Texas Corridor
16 on the department's Internet website and update that forecast at
17 least quarterly.

18 (d) The department shall require each person with whom the
19 department has entered into a construction contract under this
20 chapter to provide semiannual percentage of construction
21 completion reports to the department and post each report received
22 on the department's Internet website.

23 (e) Before the 10th day of each month, for each segment of
24 the Trans-Texas Corridor, the department shall post a report of the
25 department's expenditures in connection with that segment during
26 the preceding month that sets out the object of each expenditure.

27 Sec. 227.007. REVENUE PROJECTIONS. The department may not

1 use department personnel to make projections of the revenue to be
2 generated by a tolled segment of the Trans-Texas Corridor and shall
3 enter into an interagency contract with the comptroller of public
4 accounts under which the comptroller:

5 (1) makes the projections for the department; and

6 (2) projects the toll revenue for each geographic
7 region of a tolled segment before the department enters into an
8 agreement for the financing, design, construction, or operation of
9 that segment.

10 Sec. 227.008. AUDITS BY STATE AUDITOR. The state auditor
11 shall audit each annual financial statement prepared for a tolled
12 segment of the Trans-Texas Corridor or a combination of segments of
13 the Trans-Texas Corridor.

14 SECTION 2. Section 227.023, Transportation Code, is amended
15 by adding Subsection (c-1) to read as follows:

16 (c-1) The department may not enter a comprehensive
17 development agreement with a term of more than four years or
18 requiring a total expenditure of more than \$250 million unless the
19 department submits the proposed agreement to the attorney general
20 and obtains the attorney general's approval of the contract.

21 SECTION 3. Section 227.083, Transportation Code, is amended
22 to read as follows:

23 Sec. 227.083. DISPOSITION OF FEES. (a) To the extent that
24 it is not dedicated to another purpose by the constitution, by
25 statute, or by contract, or deposited to a separate account under
26 this chapter, or subject to Subsection (b), revenue received by the
27 department under this chapter shall be deposited to the credit of

1 the state highway fund and may be used for any purpose authorized by
2 this chapter. Subchapter D, Chapter 316, Government Code, and
3 Section 403.095, Government Code, do not apply to revenue received
4 under this chapter.

5 (b) For purposes of this subsection, "surplus toll revenue"
6 includes any amount set aside as a reserve for the cost of
7 maintaining or operating a tolled segment or a combined segment of
8 the Trans-Texas Corridor or the cost of paying the principal of and
9 interest on the toll revenue bonds for the segment or combination.
10 Notwithstanding any other provision of this title, including
11 Section 228.053(b), the department shall deposit any surplus toll
12 revenue held or received by the department to the credit of the
13 state highway fund.

14 SECTION 4. 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.