

Amend CSHB 300 (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. TRANS-TEXAS CORRIDOR

SECTION _____.01. Section 11.11(j), Tax Code, is amended to read as follows:

(j) For purposes of this section, any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans-Texas Corridor, is~~] a rail facility or system[~~7~~] or is a highway in the state highway system, and that is licensed or leased to a private entity by that department under Chapter 91 or[~~7~~] 223, [~~or 2277~~] Transportation Code, is public property used for a public purpose if the rail facility or system, highway, or facility is operated by the private entity to provide transportation or utility services. Any part of a facility, rail facility or system, or state highway that is licensed or leased to a private entity for a commercial purpose is not exempt from taxation.

SECTION _____.02. Section 25.06(c), Tax Code, is amended to read as follows:

(c) This section does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans-Texas Corridor, is~~] a rail facility or system[~~7~~] or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~7~~,~~2277~~] or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans-Texas Corridor, is~~] a rail facility or system[~~7~~] or is a highway in the state highway system.

SECTION _____.03. Section 25.07(c), Tax Code, is amended to read as follows:

(c) Subsection (a) does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans-Texas Corridor, is~~] a rail facility or system[~~7~~] or is a highway in the

state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~7-227~~] or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans-Texas Corridor, is~~] a rail facility or system[~~7~~] or is a highway in the state highway system.

SECTION ____ .04. Sections 201.616(a) and (b), Transportation Code, are amended to read as follows:

(a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

(A) the unified transportation program of the department;

(B) turnpike projects and toll roads of the department; and

(C) [~~the Trans-Texas Corridor,~~
[~~(D)~~] rail facilities described in Chapter 91;
[~~and~~

[~~(E) non-highway facilities on the Trans-Texas Corridor if those expenditures are subject to Section 227.062(c),~~]

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

(b) The report must break down information under Subsection (a)(1)(A) by program category and department district. The report must break down information under Subsections (a)(1)(B) and[~~7~~] (C) [~~7-(D), and (E)~~] and Subsection (a)(3) by department district. The report must break down information under Subsection (a)(2) by department district and type of project.

SECTION ____ .05. Section 202.112(a), Transportation Code, is amended to read as follows:

(a) The commission may purchase an option to acquire property for possible use in or in connection with a transportation

facility[~~, including a facility as defined by Section 227.001,~~]
before a final decision has been made as to whether the
transportation facility will be located on that property.

SECTION _____.06. Section 222.003(e), Transportation Code,
is amended to read as follows:

(e) The proceeds of bonds and other public securities issued
under this section may not be used for any purpose other than any
costs related to the bonds and other public securities and the
purposes for which revenues are dedicated under Section 7-a,
Article VIII, Texas Constitution. [~~The proceeds of bonds and other
public securities issued under this section may not be used for the
construction of a state highway or other facility on the
Trans-Texas Corridor. For purposes of this section, the
"Trans-Texas Corridor" means the statewide system of multimodal
facilities under the jurisdiction of the department that is
designated by the commission, notwithstanding the name given to
that corridor.~~]

SECTION _____.07. Section 223.201(a), Transportation Code,
is amended to read as follows:

(a) Subject to Section 223.202, the department may enter
into a comprehensive development agreement with a private entity to
design, develop, finance, construct, maintain, repair, operate,
extend, or expand a:

(1) toll project;

(2) [~~facility or a combination of facilities on the
Trans-Texas Corridor;~~

~~(3)]~~ state highway improvement project that includes
both tolled and nontolled lanes and may include nontolled
appurtenant facilities;

(3) [~~(4)]~~ state highway improvement project in which
the private entity has an interest in the project; or

(4) [~~(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.

SECTION _____.08. Section 223.206(d), Transportation Code,
is amended to read as follows:

(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.

SECTION _____.09. Sections 223.208(b), (c), (e), and (f), Transportation Code, are amended to read as follows:

(b) A comprehensive development agreement entered into under this subchapter [~~or Section 227.023(c)~~] may include any provision that the department considers appropriate, including provisions:

(1) providing for the purchase by the department, under terms and conditions agreed to by the parties, of the interest of a private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the comprehensive development agreement;

(2) establishing the purchase price for the interest of a private participant in the comprehensive development agreement and related property, which price may be determined in accordance with the methodology established by the parties in the comprehensive development agreement;

(3) providing for the payment of obligations incurred pursuant to the comprehensive development agreement, including any obligation to pay the purchase price for the interest of a private participant in the comprehensive development agreement, from any lawfully available source, including securing such obligations by a pledge of revenues of the commission or the department derived from the applicable project, which pledge shall have such priority as the department may establish;

(4) permitting the private participant to pledge its rights under the comprehensive development agreement;

(5) concerning the private participant's right to operate and collect revenue from the project; and

(6) restricting the right of the commission or the department to terminate the private participant's right to operate and collect revenue from the project unless and until any

applicable termination payments have been made.

(c) The department may enter into a comprehensive development agreement under this subchapter [~~or under Section 227.023(c)~~] with a private participant only if the project is identified in the department's unified transportation program or is located on a transportation corridor identified in the statewide transportation plan.

(e) Notwithstanding anything in Section 201.112 or other law to the contrary, and subject to compliance with the dispute resolution procedures set out in the comprehensive development agreement, an obligation of the commission or the department under a comprehensive development agreement entered into under this subchapter [~~or Section 227.023(c)~~] to make or secure payments to a person because of the termination of the agreement, including the purchase of the interest of a private participant or other investor in a project, may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose. The district courts of Travis County shall have exclusive jurisdiction and venue over and to determine and adjudicate all issues necessary to adjudicate any action brought under this subsection. The remedy provided by this subsection is in addition to any legal and equitable remedies that may be available to a party to a comprehensive development agreement.

(f) A comprehensive development agreement entered into under this subchapter [~~or Section 227.023(c)~~] and any obligations incurred, issued, or owed under the agreement does not constitute a state security under Chapter 1231, Government Code.

SECTION ____ .10. Section 371.001(2), Transportation Code, as added by Chapter 103 (**HB 570**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter [~~227 or~~] 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

(D) a county under Chapter 284.

SECTION _____.11. Section 371.001(a)(2), Transportation Code, as added by Chapter 258 (SB 11), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter [227-~~or~~] 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

(D) a county under Chapter 284.

SECTION _____.12. Section 371.001(2), Transportation Code, as added by Chapter 264 (SB 792), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, operate, and maintain a toll project, including:

(A) the department [~~, including under Chapter 227~~];

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

(D) a county under Chapter 284.

SECTION _____.13. The following provisions of the Transportation Code are repealed:

(1) Section 201.618(e);

(2) Chapter 227;

(3) Section 284.0032;

(4) Section 366.305;

(5) Section 370.316; and

(6) Section 545.3531.