

Suspending limitations on conference committee
jurisdiction, S.B. No. 1420 (Hinojosa/Harper-Brown)

By: Harper-Brown

H.R. No. 2666

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 82nd Legislature, Regular Session, 2011, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 1420 (continuation and
6 functions of the Texas Department of Transportation; providing
7 penalties) to consider and take action on the following matters:

8 (1) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add text on a matter not included in either the
10 house or senate version of the bill by adding Subchapter F-1 to
11 Chapter 201, Transportation Code, and adding a related
12 nonamendatory provision:

13 SECTION 15. (a) Chapter 201, Transportation Code, is
14 amended by adding Subchapter F-1 to read as follows:

15 SUBCHAPTER F-1. COMPLIANCE PROGRAM

16 Sec. 201.451. ESTABLISHMENT AND PURPOSE. The commission
17 shall establish a compliance program, which must include a
18 compliance office to oversee the program. The compliance office is
19 responsible for:

20 (1) acting to prevent and detect serious breaches of
21 departmental policy, fraud, waste, and abuse of office, including
22 any acts of criminal conduct within the department;

23 (2) independently and objectively reviewing,
24 investigating, delegating, and overseeing the investigation of:

- 1 (A) conduct described by Subdivision (1);
2 (B) criminal activity in the department;
3 (C) allegations of wrongdoing by department
4 employees;
5 (D) crimes committed on department property; and
6 (E) serious breaches of department policy;
7 (3) overseeing the operation of the telephone hotline
8 established under Section 201.211;
9 (4) ensuring that members of the commission and
10 department employees receive appropriate ethics training; and
11 (5) performing other duties assigned to the office by
12 the commission.

13 Sec. 201.452. INVESTIGATION OVERSIGHT. (a) The compliance
14 office has primary jurisdiction for oversight and coordination of
15 all investigations occurring on department property or involving
16 department employees.

17 (b) The compliance office shall coordinate and provide
18 oversight for an investigation under this subchapter, but the
19 compliance office is not required to conduct the investigation.

20 (c) The compliance office shall continually monitor an
21 investigation conducted within the department, and shall report to
22 the commission on the status of pending investigations.

23 Sec. 201.453. INITIATION OF INVESTIGATIONS. The compliance
24 office may only initiate an investigation based on:

- 25 (1) authorization from the commission;
26 (2) approval of the director of the compliance office;
27 (3) approval of the director or deputy executive

1 director of the department; or

2 (4) commission rules.

3 Sec. 201.454. REPORTS. (a) The compliance office shall
4 report directly to the commission regarding performance of and
5 activities related to investigations and provide the director with
6 information regarding investigations as appropriate.

7 (b) The director of the compliance office shall present to
8 the commission at each regularly scheduled commission meeting and
9 at other appropriate times:

10 (1) reports of investigations; and

11 (2) a summary of information relating to
12 investigations conducted under this subchapter that includes
13 analysis of the number, type, and outcome of investigations, trends
14 in investigations, and recommendations to avoid future complaints.

15 Sec. 201.455. COOPERATION WITH LAW ENFORCEMENT OFFICIALS
16 AND OTHER ENTITIES. (a) The director of the compliance office
17 shall provide information and evidence relating to criminal acts to
18 the state auditor's office and appropriate law enforcement
19 officials.

20 (b) The director of the compliance office shall refer
21 matters for further civil, criminal, and administrative action to
22 appropriate administrative and prosecutorial agencies, including
23 the attorney general.

24 Sec. 201.456. AUTHORITY OF STATE AUDITOR. This subchapter
25 or other law related to the operation of the department's
26 compliance program does not preempt the authority of the state
27 auditor to conduct an audit or investigation under Chapter 321,

1 Government Code, or other law.

2 (b) Not later than January 1, 2013, the Texas Department of
3 Transportation shall submit a report to the legislature on the
4 effectiveness of the compliance program described by Subchapter
5 F-1, Chapter 201, Transportation Code, as added by this Act, and any
6 recommended changes in law to increase the effectiveness of the
7 compliance program.

8 Explanation: The addition of text is necessary to establish a
9 compliance program in the Texas Department of Transportation.

10 (2) House Rule 13, Section 9(a)(4), is suspended to permit
11 the committee to add text on a matter not included in either the
12 house or senate version of the bill by adding the following language
13 to Section 222.106(i), Transportation Code:

14 (i) . . . A municipality may issue bonds to pay all or part
15 of the cost of the transportation project and may pledge and assign
16 all or a specified amount of money in the tax increment account to
17 secure repayment of those bonds.

18 Explanation: The addition of text is necessary to allow a
19 municipality to issue bonds to pay all or part of the cost of a
20 transportation project and pledge and assign all or a specified
21 amount of money in a tax increment account to secure repayment of
22 those bonds.

23 (3) House Rule 13, Section 9(a)(4), is suspended to permit
24 the committee to add text on a matter not included in either the
25 house or senate version of the bill by adding the following language
26 to Section 222.107(f), Transportation Code:

27 (f) The order or resolution designating an area as a

1 transportation reinvestment zone must:

2 . . .

3 (5) establish an ad valorem tax increment account for
4 the zone.

5 Explanation: The addition of text is necessary to authorize a
6 county to establish an ad valorem tax increment account for a
7 transportation reinvestment zone.

8 (4) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add text on a matter not included in either the
10 house or senate version of the bill by adding the following language
11 to Section 222.107(h), Transportation Code:

12 (h) The commissioners court may:

13 (1) from taxes collected on property in a zone, pay
14 into a tax increment account for the zone an amount equal to the tax
15 increment produced by the county less any amounts allocated under
16 previous agreements, including agreements under Section 381.004,
17 Local Government Code, or Chapter 312, Tax Code;

18 . . .

19 Explanation: The addition of text is necessary to allow a
20 county to pay into a tax increment account certain amounts from
21 taxes collected on property in a transportation reinvestment zone.

22 (5) House Rule 13, Section 9(a)(4), is suspended to permit
23 the committee to add text on a matter not included in either the
24 house or senate version of the bill by adding the following language
25 to Section 222.107, Transportation Code:

26 (i-1) In the event a county collects a tax increment, it may
27 issue bonds to pay all or part of the cost of a transportation

1 project and may pledge and assign all or a specified amount of money
2 in the tax increment account to secure those bonds.

3 Explanation: The addition of text is necessary to allow a
4 county to issue bonds to pay all or part of the cost of a
5 transportation project and pledge and assign all or a specified
6 amount of money in a tax increment account to secure those bonds.

7 (6) House Rule 13, Section 9(a)(4), is suspended to permit
8 the committee to add text on a matter not included in either the
9 house or senate version of the bill by adding the following
10 provision to Subchapter E, Chapter 223, Transportation Code, and
11 adding a related nonamendatory provision:

12 Sec. 223.2012. NORTH TARRANT EXPRESS PROJECT PROVISIONS.

13 (a) In this section, the North Tarrant Express project is the
14 project described by Section 223.201(f)(3) entered into on June 23,
15 2009.

16 (b) The comprehensive development agreement for the North
17 Tarrant Express project may provide for negotiating and entering
18 into facility agreements for future phases or segments of the
19 project at the times that the department considers advantageous to
20 the department.

21 (c) The department is not required to use any further
22 competitive procurement process to enter into one or more related
23 facility agreements with the developer or an entity controlled by,
24 to be controlled by, or to be under common control with the
25 developer under the comprehensive development agreement for the
26 North Tarrant Express project.

27 (d) A facility agreement for the North Tarrant Express

1 project must terminate on or before June 22, 2061. A facility
2 agreement may not be extended or renewed beyond that date.

3 (e) The department may include or negotiate any matter in a
4 comprehensive development agreement for the North Tarrant Express
5 project that the department considers advantageous to the
6 department.

7 (f) The comprehensive development agreement for the North
8 Tarrant Express project may provide the developer or an entity
9 controlled by, to be controlled by, or to be under common control
10 with the developer with a right of first negotiation under which the
11 developer may elect to negotiate with the department and enter into
12 one or more related facility agreements for future phases or
13 segments of the project.

14 (b) This Act does not validate any governmental act or
15 decision that:

16 (1) is inconsistent with . . . Section 223.2012,
17 Transportation Code, as added by this Act, relating to the North
18 Tarrant Express Project;

19

20 Explanation: The addition of text is necessary to implement
21 provisions related to the comprehensive development agreement
22 entered into for the North Tarrant Express Project.

23 (7) House Rule 13, Section 9(a)(4), is suspended to permit
24 the committee to add text on a matter not included in either the
25 house or senate version of the bill by making the following changes
26 to Section 621.102, Transportation Code:

27 Sec. 621.102. [~~COMMISSION'S~~] AUTHORITY TO SET MAXIMUM

1 WEIGHTS. (a) The executive director of the Texas Department of
2 Transportation [~~commission~~] may set the maximum single axle weight,
3 tandem axle weight, or gross weight of a vehicle, or maximum single
4 axle weight, tandem axle weight, or gross weight of a combination of
5 vehicles and loads, that may be moved over a state highway or a farm
6 or ranch road if the executive director [~~commission~~] finds that
7 heavier maximum weight would rapidly deteriorate or destroy the
8 road or a bridge or culvert along the road. A maximum weight set
9 under this subsection may not exceed the maximum set by statute for
10 that weight.

11 (b) [~~The commission must set a maximum weight under this~~
12 ~~section by order entered in its minutes.~~

13 [(c)] The executive director of the Texas Department of
14 Transportation [~~commission~~] must make the finding under this
15 section on an engineering and traffic investigation and in making
16 the finding shall consider the width, condition, and type of
17 pavement structures and other circumstances on the road.

18 (c) [(d)] A maximum weight or load set under this section
19 becomes effective on a highway or road when appropriate signs
20 giving notice of the maximum weight or load are erected on the
21 highway or road by the Texas Department of Transportation under
22 order of the commission.

23 (d) [(e)] A vehicle operating under a permit issued under
24 Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181,
25 623.192, or 623.212 may operate under the conditions authorized by
26 the permit over a road for which the executive director of the Texas
27 Department of Transportation [~~commission~~] has set a maximum weight

1 under this section.

2 (e) [~~(f)~~] For the purpose of this section, a farm or ranch
3 road is a state highway that is shown in the records of the
4 commission to be a farm-to-market or ranch-to-market road.

5 (f) [~~(g)~~] This section does not apply to a vehicle
6 delivering groceries, farm products, or liquefied petroleum gas.

7 Explanation: The addition of text is necessary to allow the
8 executive director of the Texas Department of Transportation to set
9 maximum weights for state highways, roads, and bridges.