

By: Watson

S.B. No. 1138

A BILL TO BE ENTITLED

AN ACT

relating to the authority of regional mobility authorities to enter into comprehensive development agreements.

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

SECTION 1. Section 370.305, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

~~(a) [An authority may use a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project.]~~

~~[(b)]~~ A comprehensive development agreement is an agreement with a private entity that, at a minimum, provides for the design and construction of a transportation project and may also provide for the financing, acquisition, maintenance, or operation of a transportation project.

(b) Except as provided by Subsection (b-1), an authority may enter into a comprehensive development agreement with a private entity for the design and construction of a transportation project and which may also provide for financing of a project.

(b-1) Unless specifically authorized by the legislature, an authority may not enter into a comprehensive development agreement with a private entity for the design and construction of a transportation project if the comprehensive development agreement entitles the private entity:

1 (1) to an ownership or leasehold interest in the
2 transportation project; or

3 (2) to the right to operate or retain revenue from the
4 transportation project.

5 SECTION 2. Sections 370.305(d), (e), and (f),
6 Transportation Code, are repealed.

7 SECTION 3. The changes in law made by Section 370.305,
8 Transportation Code, as amended by this Act, apply only to a
9 comprehensive development agreement entered into on or after the
10 effective date of this Act. A comprehensive development agreement
11 entered into before the effective date of this Act is governed by
12 the law in effect on that date, and that law is continued in effect
13 for that purpose.

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 on the 91st day after the last day of the
19 legislative session.