

By: Leman

H.B. No. 3633

A BILL TO BE ENTITLED

AN ACT

relating to establishing a High-Speed Rail Legislative Review Committee; authorizing a fee.

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

SECTION 1. Subtitle Z, Title 5, Transportation Code, is amended by adding Chapter 195 to read as follows:

CHAPTER 195. HIGH-SPEED RAIL LEGISLATIVE REVIEW COMMITTEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 195.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Texas High-Speed Rail Authority.

(2) "Committee" means the High-Speed Rail Legislative Review Committee.

(3) "High-speed rail" means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

Sec. 195.002. LEGISLATIVE FINDINGS. The legislature finds that:

(1) private property may be taken only for a public purpose, as established in Section 17, Article I, Texas Constitution;

(2) private property may be taken only by a governmental entity or private entity that is authorized by law to do so;

1 (3) there is no state law that gives or grants a
2 high-speed rail entity the authority to use eminent domain;

3 (4) in 1989, the Texas Legislature created the Texas
4 High-Speed Rail Authority, with the power to exercise the use of
5 eminent domain on behalf of a franchise; and

6 (5) the Texas High-Speed Rail Authority was abolished
7 in 1995.

8 Sec. 195.003. POLICY AND PURPOSE. (a) It is the policy of
9 this state and the purpose of this chapter to ensure that private
10 property is taken only for a public purpose as established in
11 Section 17, Article I, Texas Constitution, and that private
12 property is taken only by a governmental or private entity
13 authorized by law to do so.

14 (b) No entity has the right of eminent domain in this state
15 for the purpose of constructing a high-speed rail facility in this
16 state until a franchise is granted to the entity by an authority
17 created by the legislature of this state.

18 Sec. 195.004. CONFLICT OF LAWS. To the extent of any
19 conflict between this chapter or the exercise by the committee of a
20 power granted by this chapter and any statute, rule, charter,
21 order, resolution, or ordinance or the exercise by any other state
22 agency or any political subdivision of any power, this chapter and
23 the exercise of the powers of the committee control.

24 SUBCHAPTER B. HIGH-SPEED RAIL LEGISLATIVE REVIEW COMMITTEE

25 Sec. 195.051. HIGH-SPEED RAIL LEGISLATIVE REVIEW
26 COMMITTEE. The High-Speed Rail Legislative Review Committee is
27 established to review and consider the public convenience and

1 necessity of reestablishing the Texas High-Speed Rail Authority for
2 the use of eminent domain on behalf of a private entity to
3 construct, operate, and maintain a high-speed rail facility in this
4 state, should the authority determine that the award of a franchise
5 is authorized.

6 Sec. 195.052. COMMITTEE MEMBERSHIP. The committee consists
7 of the following six members:

8 (1) one state senator, appointed by the lieutenant
9 governor;

10 (2) one state senator serving a predominantly rural
11 area, appointed by the lieutenant governor;

12 (3) one state senator serving a predominantly urban
13 area, appointed by the lieutenant governor;

14 (4) one member of the house of representatives
15 appointed by the speaker of the house of representatives;

16 (5) one member of the house of representatives serving
17 a predominantly rural area, appointed by the speaker of the house of
18 representatives; and

19 (6) one member of the house of representatives serving
20 a predominantly urban area, appointed by the speaker of the house.

21 Sec. 195.053. PRESIDING OFFICERS. The lieutenant governor
22 and the speaker of the house of representatives shall each appoint
23 one member of the committee to act as co-presiding officers.

24 Sec. 195.054. TERMS. Committee members serve staggered
25 terms of two years.

26 Sec. 195.055. VACANCY. A committee member vacates the
27 member's position on the committee if the person ceases to hold the

1 underlying position that qualifies the member for service on the
2 committee. A vacancy in an appointed position is filled by the
3 lieutenant governor or speaker of the house of representatives, as
4 applicable, in the same manner as the original appointment.

5 Sec. 195.056. COMPENSATION. Service on the committee by a
6 committee member is considered legislative service for which the
7 committee member is entitled to reimbursement and other benefits in
8 the same manner and to the same extent as for other legislative
9 service.

10 SUBCHAPTER C. COMMITTEE POWERS AND DUTIES REGARDING APPLICATION
11 FOR HIGH-SPEED RAIL FRANCHISE

12 Sec. 195.101. RECEIPT OF LETTER AND FEE BY DEPARTMENT;
13 COMMITTEE MEETING INITIATED. (a) The department shall notify the
14 committee immediately upon receipt of a letter of intent to apply
15 for a franchise to build a high-speed rail project in this state and
16 the required fee.

17 (b) The committee shall meet only after the department
18 receives the letter and fee described by Subsection (a).

19 Sec. 195.102. ADOPTION OF RULES AND STANDARDS. (a) Not
20 later than the 180th day after the date the department receives an
21 application intent letter and required fee, the committee shall
22 adopt rules and standards to govern the applications for a
23 franchise and to ensure that a franchisee is financially and
24 technically capable of constructing and operating high-speed rail
25 facilities.

26 (b) In establishing criteria for the evaluation of the
27 technology proposed by applicants for a franchise, the committee

1 shall balance the relative values of proven technology and the
2 advantages of state-of-the-art technology that is likely to reach
3 maturity over the life of the franchise.

4 Sec. 195.103. COMMITTEE APPLICATION FEE. (a) After
5 setting the rules and standards required by Section 195.102, the
6 committee shall determine the amount of and impose an application
7 fee sufficient to cover all costs associated with processing the
8 application and making a determination as to whether to make a
9 recommendation to the legislature to re-create the Texas High-Speed
10 Rail Authority in order to make franchise decisions.

11 (b) All costs associated with the work of the committee must
12 be covered by the application fee set for the applicant.

13 Sec. 195.104. PUBLICATION OF APPLICATION IN TEXAS REGISTER.
14 (a) After receiving a completed application from the applicant as
15 determined by the committee, the committee may make a determination
16 as to whether the application merits publication in the Texas
17 Register.

18 (b) If the committee determines the application could
19 potentially receive a favorable recommendation, the application
20 shall be published for comment in the Texas Register.

21 Sec. 195.105. PUBLIC HEARING. After the comment period for
22 the application, the committee shall hold a public hearing with
23 public comments regarding the application.

24 Sec. 195.106. COMMITTEE RECOMMENDATION. After the public
25 hearing, the committee shall:

26 (1) adopt a detailed recommendation to the legislature
27 regarding the need to establish the authority to potentially award

1 a franchise; or

2 (2) inform the applicant that the committee has denied
3 the application for a recommendation to the legislature.

4 SUBCHAPTER D. OTHER COMMITTEE POWERS AND DUTIES

5 Sec. 195.151. ADDITIONAL COMMITTEE POWERS AND DUTIES. (a)
6 Subject to Section 195.101, the committee may hold public hearings,
7 formal meetings, and work sessions. Either co-presiding officer of
8 the committee may call a public hearing, formal meeting, or work
9 session of the committee at any time, subject to Section 195.101.

10 (b) The committee may not take formal action at a public
11 hearing, formal meeting, or work session unless a quorum of the
12 committee is present.

13 SECTION 2. This Act takes effect September 1, 2021.