

BILL ANALYSIS

Senate Research Center
84R20427 JAM-D

H.B. 565
By: Burkett et al. (Kolkhorst)
Transportation
5/15/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have noted that past legislative efforts to prohibit private toll road companies from exercising powers of eminent domain have had an unintended effect on the law that has still not been rectified. These parties contend that the authority to exercise eminent domain has been consolidated instead of restricted equally among those entities. H.B. 565 seeks to address this issue.

H.B. 565 amends current law relating to powers of private toll project entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 362.102, Transportation Code, as follows:

Sec. 362.102. COMMISSION APPROVAL OF PRIVATE TURNPIKE OR TOLL PROJECT REQUIRED. Requires the Texas Transportation Commission (commission), before the commission may approve a private turnpike or toll project, to hold a public meeting concerning the project in the region in which the project will be located.

SECTION 2. Amends Subchapter C, Chapter 362, Transportation Code, by adding Section 362.105, as follows:

Sec. 362.105. USE OF EMINENT DOMAIN BY TOLL ROAD CORPORATION. Prohibits a corporation that has the powers, rights, and privileges of a corporation created under former Chapter 11, Title 32, Revised Statutes, as that law existed on August 31, 1991, other than a corporation to which Section 431.073(c) (providing that a corporation in existence on August 31, 1991, has the powers, rights, and privileges of a certain corporation) applies, notwithstanding Section 30, Chapter 766 (H.B. 749), Acts of the 72nd Legislature, Regular Session, 1991, from exercising the power of eminent domain granted under that former law.

SECTION 3. Provides that Section 362.102, Transportation Code, as amended by this Act, does not affect a turnpike or toll project approved by the commission before the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2015.