

By: Burkett

H.B. No. 565

A BILL TO BE ENTITLED

AN ACT

relating to powers of private toll project entities.

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

SECTION 1. Section 362.102, Transportation Code, is amended to read as follows:

Sec. 362.102. [~~COMMISSION APPROVAL OF~~] PRIVATE TURNPIKE OR TOLL PROJECT PROHIBITED [~~REQUIRED~~]. Notwithstanding any other provision of law, a private entity may not construct a privately owned turnpike or toll project that connects to a road, bridge, or highway in the state highway system [~~unless the commission approves the private turnpike or toll project as provided by this subchapter~~].

SECTION 2. Subchapter C, Chapter 362, Transportation Code, is amended by adding Section 362.105 to read as follows:

Sec. 362.105. USE OF EMINENT DOMAIN BY TOLL ROAD CORPORATION. Notwithstanding Section 30, Chapter 766 (H.B. 749), Acts of the 72nd Legislature, Regular Session, 1991, 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) applies, may not exercise the power of eminent domain granted under that former law.

SECTION 3. Section 362.102, Transportation Code, as amended by this Act, does not affect a turnpike or toll project approved by

1 the Texas Transportation Commission before the effective date of
2 this Act.

3 SECTION 4. Sections 362.103 and 362.104, Transportation
4 Code, are repealed.

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.