

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Keffer

H.B. No. 2462

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of a county to clarify the existence of a  
3 public interest in certain roads.

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

5 SECTION 1. Section 258.007, Transportation Code, is  
6 repealed.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect on the 91st day after the last day of the  
12 legislative session.

**ADOPTED**

By: Devell

MAY 27 2009 11:16

Substitute the following for H.B. No. 2462:

By: Robert Rojas

C.S. Atty Gen  
Secretary of the Senate 2462

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of a county to clarify the existence of a  
3 public interest in certain roads.

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

5 SECTION 1. Section 258.007, Transportation Code, is amended  
6 to read as follows:

7 Sec. 258.007. APPLICATION [~~EXPIRATION~~] OF CHAPTER. This  
8 chapter applies only to a county that initiates or completes  
9 compliance with the provisions of this chapter before [~~expires~~]  
10 September 1, 2011 [~~2009~~].

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2462** by Keffer (Relating to the authority of a county to clarify the existence of a public interest in certain roads.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would specify that Chapter 258, Transportation Code, applies only to a county that initiates or completes compliance with the provisions of the chapter before September 1, 2011, replacing the expiration date for the chapter.

Under current statute, the chapter is set to expire on September 1, 2009. Chapter 258 authorizes a county to clarify the existence of a public interest in a road and establishes the procedures for doing so. Among the provisions of Chapter 258 is exemption from ad valorem taxation by any taxing authority of a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which a county has successfully asserted the existence of a public interest.

**Local Government Impact**

If the chapter were to expire under current statute, the ad valorem tax exemption would end, which could have a fiscal impact for any affected taxing authorities, which would vary by county and would depend on the amount of property affected. If the chapter is continued, there would be no fiscal impact to those counties to which the chapter would apply under provisions of the bill.

**Source Agencies:**

**LBB Staff:** JOB, SZ, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2462** by Keffer (Relating to the authority of a county to clarify the existence of a public interest in certain roads.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would specify that Chapter 258, Transportation Code, applies only to a county that initiates or completes compliance with the provisions of the chapter before September 1, 2011, replacing the expiration date for the chapter.

Under current statute, the chapter is set to expire on September 1, 2009. Chapter 258 authorizes a county to clarify the existence of a public interest in a road and establishes the procedures for doing so. Among the provisions of Chapter 258 is exemption from ad valorem taxation by any taxing authority of a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which a county has successfully asserted the existence of a public interest.

**Local Government Impact**

If the chapter were to expire under current statute, the ad valorem tax exemption would end, which could have a fiscal impact for any affected taxing authorities, which would vary by county and would depend on the amount of property affected. If the chapter is continued, there would be no fiscal impact to those counties to which the chapter would apply under provisions of the bill.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 9, 2009**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2462** by Keffer (Relating to the authority of a county to clarify the existence of a public interest in certain roads.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would repeal the expiration date of Chapter 258, Transportation Code. The chapter is set to expire on September 1, 2009, under current statute. Chapter 258 authorizes a county to clarify the existence of a public interest in a road and establishes the procedures for doing so. Among the provisions of Chapter 258 is exemption from ad valorem taxation by any taxing authority of a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which a county has successfully asserted the existence of a public interest.

**Local Government Impact**

If the chapter were to expire, the ad valorem tax exemption would end, which could have a fiscal impact for any affected taxing authorities, which would vary by county and would depend on the amount of property affected. If the chapter is continued, there would be no fiscal impact.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 9, 2009**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2462** by Keffer (Relating to the authority of a county to clarify the existence of a public interest in a certain roads.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would repeal the expiration date of Chapter 258, Transportation Code. The chapter is set to expire on September 1, 2009, under current statute. Chapter 258 authorizes a county to clarify the existence of a public interest in a road and establishes the procedures for doing so. Among the provisions of Chapter 258 is exemption from ad valorem taxation by any taxing authority of a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which a county has successfully asserted the existence of a public interest.

**Local Government Impact**

If the chapter were to expire, the ad valorem tax exemption would end, which could have a fiscal impact for any affected taxing authorities, which would vary by county and would depend on the amount of property affected. If the chapter is continued, there would be no fiscal impact.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 2, 2009**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2462** by Keffer (Relating to public interest in a county road.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would repeal the expiration date of Chapter 258, Transportation Code. The chapter is set to expire on September 1, 2009, under current statute. Chapter 258 authorizes a county to clarify the existence of a public interest in a road and establishes the procedures for doing so. Among the provisions of Chapter 258 is exemption from ad valorem taxation by any taxing authority of a private right, title, or interest, other than a mineral interest, held by a person in land underlying a road in which a county has successfully asserted the existence of a public interest.

**Local Government Impact**

If the chapter were to expire, the ad valorem tax exemption would end, which could have a fiscal impact for any affected taxing authorities, which would vary by county and would depend on the amount of property affected. If the chapter is continued, there would be no fiscal impact.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB