

By: Kolkhorst

H.B. No. 1280

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the payment of an examination fee to the attorney  
3 general for the legal sufficiency review of a comprehensive  
4 development agreement.

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

6 SECTION 1. Section 371.051, Transportation Code, is amended  
7 to read as follows:

8 Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

9 (a) A toll project entity may not enter into a comprehensive  
10 development agreement unless the attorney general reviews the  
11 proposed agreement and determines that it is legally sufficient.

12 (b) A toll project entity shall pay a nonrefundable  
13 examination fee to the attorney general on submitting a proposed  
14 comprehensive development agreement for review.

15 (c) If the toll project entity submits multiple proposed  
16 comprehensive development agreements relating to the same toll  
17 project for review, the entity shall pay the examination fee under  
18 Subsection (b) for each proposed comprehensive development  
19 agreement.

20 (d) The toll project entity may collect or seek  
21 reimbursement of the examination fee under Subsection (b) from the  
22 private participant under the proposed comprehensive development  
23 agreement.

24 (e) The attorney general shall set the amount of the

1 examination fee required under Subsection (b) and may adopt rules  
2 necessary to implement this section.

3 SECTION 2. The examination fee prescribed by Section  
4 371.051, Transportation Code, as amended by this Act, applies only  
5 to a comprehensive development agreement submitted to the office of  
6 the attorney general on or after the effective date of this Act.

7 SECTION 3. 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 September 1, 2011.