

By: Nichols

S.B. No. 731

A BILL TO BE ENTITLED

AN ACT

relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

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

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

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

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

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

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

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th day after the date the examination fee and transcript of the proceedings required under

1 Subsection (b) are received. If the attorney general cannot
2 provide a legal sufficiency determination within the 60-day period,
3 the attorney general shall notify the toll project entity in
4 writing of the reason for the delay and may extend the review period
5 for not more than 30 days.

6 (e) After the attorney general issues a legal sufficiency
7 determination, a toll project entity may supplement the transcript
8 of proceedings or amend the comprehensive development agreement to
9 facilitate a redetermination by the attorney general of the prior
10 legal sufficiency determination issued under this section. The
11 toll project entity is not required to pay an examination fee for a
12 redetermination review.

13 (f) The toll project entity may collect or seek
14 reimbursement of the examination fee under Subsection (b) from the
15 private participant.

16 (g) The attorney general by rule shall set the examination
17 fee required under Subsection (b) in a reasonable amount and may
18 adopt other rules as necessary to implement this section. The fee
19 may not be set in an amount that is determined by a percentage of the
20 cost of the toll project. The amount of the fee must cover only the
21 usual actual costs incurred by the attorney general for conducting
22 the legal sufficiency review.

23 SECTION 2. The requirements of Section 371.051,
24 Transportation Code, as amended by this Act, apply only to a
25 comprehensive development agreement submitted to the office of the
26 attorney general on or after the effective date of this Act.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.