BILL ANALYSIS

BACKGROUND AND PURPOSE

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. C.S.H.B. 565 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 565 amends the Transportation Code to require the Texas Transportation Commission to hold a public meeting concerning a privately owned turnpike or toll project that connects to a road, bridge, or highway in the state highway system in the region in which the project will be located before the commission may approve the project. The bill prohibits a corporation that has the powers, rights, and privileges of a corporation under previous law from exercising the power of eminent domain granted under that previous law but exempts from this prohibition a corporation in existence on August 31, 1991, that was created by the state or one or more counties or municipalities to implement a transportation project in a county with a population of 500,000 or more or a county adjacent to a county with such a population.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 565 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 362.102,	SECTION 1. Section 362.102,

15.101.373

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].

Transportation Code, is amended to read as follows:

Sec. 362.102. COMMISSION APPROVAL OF PRIVATE TURNPIKE OR TOLL PROJECT 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. Before the commission may approve a private turnpike or toll project, the commission must hold a public meeting concerning the project in the region in which the project will be located.

SECTION 2. Subchapter C, Chapter 362, Transportation Code, is amended.

SECTION 2. Same as introduced version.

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

SECTION 3. Same as introduced version.

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

No equivalent provision.

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

SECTION 4. Same as introduced version.