

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 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 by adding Sections 362.105 and 362.106 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

1 eminent domain granted under that former law.

2 Sec. 362.106. AGREEMENT WITH TOLL PROJECT ENTITY. (a) In  
3 this section, "toll project entity" has the meaning assigned by  
4 Section 372.001.

5 (b) A private toll project entity may enter into an  
6 agreement with a public toll project entity to finance, construct,  
7 maintain, or operate a toll road.

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

12 SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 565 was passed by the House on May 4, 2015, by the following vote: Yeas 137, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 565 on May 27, 2015, by the following vote: Yeas 140, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 565 was passed by the Senate, with amendments, on May 25, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor