

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Burkett, Flynn, Sheets, Button, et al.

H.B. No. 565

A BILL TO BE ENTITLED

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 Section 362.105 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 eminent domain granted under that former law.

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

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

# ADOPTED

MAY 25 2015

*Lotay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: B. W. Kelleher

1 Amend H.B. No. 565 (senate committee report) as follows:

2 (1) In SECTION 2 of the bill, in the recital to added Section  
3 362.105, Transportation Code (page 1, line 33), strike "Section  
4 362.105" and substitute "Sections 362.105 and 362.106".

5 (2) In SECTION 2 of the bill, immediately following added  
6 Section 362.105, Transportation Code (page 1, between lines 41 and  
7 42), add the following:

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

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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 26, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB565** by Burkett (Relating to powers of private toll project entities. ), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, SD, EK

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 8, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB565** by Burkett (Relating to powers of private toll project entities.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, SD, EK

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 13, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB565** by Burkett (Relating to powers of private toll project entities.), **Committee Report 1st House, Substituted**

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

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, SD, EK

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 18, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB565** by Burkett (Relating to powers of private toll project entities.), **As Introduced**

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

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, SD, EK