

By: Hilderbran

H.B. No. 2939

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the assumption of road district powers by certain
3 conservation and reclamation districts.

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

5 SECTION 1. Subchapter D, Chapter 54, Water Code, is amended
6 by adding Section 54.2341 to read as follows:

7 Sec. 54.2341. ACQUIRING ROAD DISTRICT POWERS. (a) This
8 section does not apply to a district located in a county that:

9 (1) has a population of 3.3 million or more; or

10 (2) is adjacent to a county that has a population of
11 3.3 million or more.

12 (b) The board of a district covered by this section may
13 order an election to be held in the district to determine whether
14 the district should assume the rights, authority, privileges, and
15 functions of a road district under Article III, Section 52(b)(3),
16 of the Texas Constitution. The election shall be ordered,
17 conducted, and the results canvassed in the manner provided by the
18 applicable provisions of this chapter and the Election Code. The
19 ballots for the election shall be printed to provide for voting for
20 or against: The assumption by the Municipal Utility District of the
21 rights, authority, privileges, and functions of a road district
22 under Article III, Section 52(b)(3), of the Texas Constitution. If
23 a majority of the persons voting in the election vote in favor of
24 the proposition, the district shall assume the rights, authority,

1 privileges, and functions of a road district operating under
2 Article III, Section 52(b)(3), of the Texas Constitution, Chapter
3 257, Transportation Code, and other general laws of this state
4 relating to road districts.

5 (c) A district that has adopted the rights, authority,
6 privileges, and functions of a road district in the manner provided
7 by Subsection (b) may not issue bonds or otherwise lend its credit
8 for road district purposes except on approval of not less than
9 two-thirds of the qualified voters of the district voting at an
10 election called and held for that purpose. The total amount of
11 bonds, notes, and other obligations of the district issued or
12 incurred under this subsection may not exceed one-fourth of the
13 assessed valuation of real property in the district.

14 (d) A district that has adopted the rights, authority,
15 privileges, and functions of a road district in the manner provided
16 by Subsection (b) may, following approval of a construction
17 contract by the board, reimburse expenditures as provided by
18 Sections 257.003(a) and (b), Transportation Code, without any
19 additional approval under Section 257.003, Transportation Code.

20 (e) Sections 49.181 and 49.182 do not apply to a road
21 project undertaken by a district that has adopted the rights,
22 authority, privileges, and functions of a road district in the
23 manner provided by Subsection (b) or to bonds issued by the district
24 to finance the project.

25 (f) A district that has adopted the rights, authority,
26 privileges, and functions of a road district in the manner provided
27 by Subsection (b) may acquire by condemnation any land, easements,

1 or other property, inside the district boundaries, for a district
2 road project.

3 (g) A district that has adopted the rights, authority,
4 privileges, and functions of a road district in the manner provided
5 by Subsection (b) shall maintain all roads constructed or purchased
6 by the district, unless the county or another political subdivision
7 assumes responsibility for maintaining the roads.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.