

BILL ANALYSIS

Senate Research Center
80R14596 HLT-F

H.B. 3770
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Natural Resources
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 54.234, Water Code, allows municipal utility districts to petition the Texas Commission on Environmental Quality to acquire certain road powers under Chapter 441 (Road Utility Districts), Transportation Code.

H.B. 3770 clarifies powers of municipal utility districts regarding certain roads and removes duplicative agency oversight.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Section 54.234, Water Code, as follows:

Sec. 54.234. New Heading: ACQUIRING ROAD POWERS. (a) Authorizes any district or any petitioner seeking the creation of a district to petition the Texas Natural Resource Conservation Commission (TNRCC) to acquire the power under the authority of Article III, Section 52, Texas Constitution, to design, acquire, construct, finance, issue bonds for, and convey to maintenance, a road described by Subsection (b) or any improvement in aid of the road. Deletes existing text as it relates to the district having the power to levy taxes, and powers granted to road utility districts operating pursuant to Chapter 441 (Road Utility Districts), Transportation Code.

(b) Requires the road to meet the criteria for a thoroughfare, arterial, or collector road of a county in whose jurisdiction the proposed road project is located or a municipality in whose corporate limits or extraterritorial jurisdiction the proposed road project is located.

(c) Creates this subsection from existing text.

(d) Authorizes the district, if TNRCC issues an order approving the petition, to undertake a road project if the municipality or county that will operate and maintain the road has approved the plans and specifications of the road project; or the Texas Transportation Commission has approved the plans and specifications of the road project, if the state is to operate and maintain the road.

(e) Provides that, except as provided by Subsection (d), a district is not required to obtain approval from the Texas Transportation Commission to acquire, construct, convey, or finance the road project. Deletes existing text requiring that the provisions of the Water Code and the general laws of this state applicable to the district prevail in the event that they conflict with the provisions of Chapter 441, Transportation Code.

SECTION 2. Provides that Section 54.234, Water Code, as amended by this Act, applies to a municipal utility district that acquires road powers before, on, or after the effective date of this Act.

SECTION 3. Provides that a bond election held before the effective date of this Act by a municipal utility district to finance a road project authorized by Section 54.234, Water Code, is validated.

SECTION 4. Effective date: upon passage or September 1, 2007.