

AN ACT

relating to the acquisition of road powers by a municipal utility district.

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

SECTION 1. Section 54.234, Water Code, is amended to read as follows:

Sec. 54.234. ACQUIRING ROAD [~~UTILITY DISTRICT~~] POWERS. (a) Any district or any petitioner seeking the creation of a district~~[~~which has the power to levy taxes,~~]~~ may petition the commission to acquire the power [~~powers granted to road utility districts operating pursuant to Chapter 441, Transportation Code,~~] under the authority of Article III, Section 52, Texas Constitution, to design, acquire, construct, finance, issue bonds for, and convey to this state, a county, or a municipality for operation and maintenance, a road described by Subsection (b) or any improvement in aid of the road.

(b) The road must meet the criteria for a thoroughfare, arterial, or collector road of:

(1) a county in whose jurisdiction the proposed road project is located; or

(2) a municipality in whose corporate limits or extraterritorial jurisdiction the proposed road project is located.

(c) As soon as practicable after such petition has been

1 filed with the commission, the commission shall issue an order
2 either approving or denying such petition.

3 (d) If the commission issues an order approving the
4 petition, the district may undertake a road project if:

5 (1) the municipality or county that will operate and
6 maintain the road has approved the plans and specifications of the
7 road project; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state is to
10 operate and maintain the road.

11 (e) Except as provided by Subsection (d), a district is not
12 required to obtain approval from the Texas Transportation
13 Commission to acquire, construct, convey, or finance the road
14 project. [~~In the event of any conflict between the provisions of~~
15 ~~the Water Code and the general laws of this state applicable to the~~
16 ~~district and the provisions of Chapter 441, Transportation Code,~~
17 ~~the provisions of the Water Code and the general laws of this state~~
18 ~~applicable to the district shall prevail.]~~

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

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 3770

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3770 was passed by the House on May 9, 2007, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3770 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor