

By: Puente

H.B. No. 3770

Substitute the following for H.B. No. 3770:

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C.S.H.B. No. 3770

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the acquisition of road powers by a municipal utility  
3 district.

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

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

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

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

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

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

24 (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

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