

By: Puente

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 (a) Any district~~[, which has the power to levy taxes,]~~ or
8 any petitioner seeking the creation of a district may petition the
9 commission to acquire the powers ~~[granted to road utility districts~~
10 ~~operating pursuant to Chapter 441, Transportation Code,]~~ under the
11 authority of Article III, Section 52, Texas Constitution, to
12 acquire, construct and finance a road that meets the criteria or
13 requirements for a thoroughfare, arterial, or collector road of the
14 county in which the road is located or the municipality in whose
15 corporate limits or extraterritorial jurisdiction the road is
16 located or improvements in aid of such road. As soon as practicable
17 after such petition has been filed with the commission, the
18 commission shall issue an order either approving or denying such
19 petition. In the event of any conflict between the provisions of
20 the Water Code and the general laws of this state applicable to the
21 district and the provisions of Chapter 441, Transportation Code,
22 the provisions of the Water Code and the general laws of this state
23 applicable to the district shall prevail.

24 (b) A district with road powers shall submit for approval

1 the plans and specifications of road projects to the municipality
2 or county that will operate and maintain the road. If a road project
3 is to be operated and maintained by the state, then a district shall
4 submit for approval the plans and specifications of road projects
5 to the Texas Transportation Commission. No further approvals of the
6 Texas Transportation Commission are required for the district to
7 acquire, construct, convey, or finance road projects.

8 SECTION 2. A district that acquired road powers pursuant to
9 Section 54.234, Water Code, prior to the effective date of this Act
10 shall not be subject to the requirements of Chapter 441,
11 Transportation Code, or rules promulgated thereunder. Any bond
12 election conducted pursuant to powers acquired pursuant to Section
13 54.234, Water Code, prior to the amendments made by this Act is
14 validated.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.