

1-1 By: Puentes (Senate Sponsor - Hegar) H.B. No. 3770
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 11, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the acquisition of road powers by a municipal utility
1-9 district.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 54.234, Water Code, is amended to read as
1-12 follows:

1-13 Sec. 54.234. ACQUIRING ROAD [~~UTILITY DISTRICT~~] POWERS. (a)
1-14 Any district or any petitioner seeking the creation of a district [~~,
1-15 which has the power to levy taxes,~~] may petition the commission to
1-16 acquire the power [~~powers granted to road utility districts
1-17 operating pursuant to Chapter 441, Transportation Code,~~] under the
1-18 authority of Article III, Section 52, Texas Constitution, to
1-19 design, acquire, construct, finance, issue bonds for, and convey to
1-20 this state, a county, or a municipality for operation and
1-21 maintenance, a road described by Subsection (b) or any improvement
1-22 in aid of the road.

1-23 (b) The road must meet the criteria for a thoroughfare,
1-24 arterial, or collector road of:

1-25 (1) a county in whose jurisdiction the proposed road
1-26 project is located; or

1-27 (2) a municipality in whose corporate limits or
1-28 extraterritorial jurisdiction the proposed road project is
1-29 located.

1-30 (c) As soon as practicable after such petition has been
1-31 filed with the commission, the commission shall issue an order
1-32 either approving or denying such petition.

1-33 (d) If the commission issues an order approving the
1-34 petition, the district may undertake a road project if:

1-35 (1) the municipality or county that will operate and
1-36 maintain the road has approved the plans and specifications of the
1-37 road project; or

1-38 (2) the Texas Transportation Commission has approved
1-39 the plans and specifications of the road project, if the state is to
1-40 operate and maintain the road.

1-41 (e) Except as provided by Subsection (d), a district is not
1-42 required to obtain approval from the Texas Transportation
1-43 Commission to acquire, construct, convey, or finance the road
1-44 project. [~~In the event of any conflict between the provisions of
1-45 the Water Code and the general laws of this state applicable to the
1-46 district and the provisions of Chapter 441, Transportation Code,
1-47 the provisions of the Water Code and the general laws of this state
1-48 applicable to the district shall prevail.]~~

1-49 SECTION 2. Section 54.234, Water Code, as amended by this
1-50 Act, applies to a municipal utility district that acquires road
1-51 powers before, on, or after the effective date of this Act.

1-52 SECTION 3. A bond election held before the effective date of
1-53 this Act by a municipal utility district to finance a road project
1-54 authorized by Section 54.234, Water Code, is validated.

1-55 SECTION 4. This Act takes effect immediately if it receives
1-56 a vote of two-thirds of all the members elected to each house, as
1-57 provided by Section 39, Article III, Texas Constitution. If this
1-58 Act does not receive the vote necessary for immediate effect, this
1-59 Act takes effect September 1, 2007.

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