

By: Martinez

H.B. No. 842

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain school districts to lay fiber optic cable in county rights-of-way.

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

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.172 to read as follows:

Sec. 11.172. USE OF COUNTY RIGHT-OF-WAY FOR FIBER OPTIC CABLE. (a) This section applies only to a school district any part of which is located 60 miles or less from an international border.

(b) A school district may place in any county right-of-way fiber optic cable necessary or convenient for a facility of the district to receive telecommunications services or to communicate with other facilities of the district.

(c) A school district, in placing fiber optic cable under this section, shall coordinate with the county in whose right-of-way the district intends to place the cable to ensure that the district's cable does not interfere with the property or facilities of the county or of a utility using the right-of-way.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.