

By: Deshotel

H.B. No. 557

Substitute the following for H.B. No. 557:

By: Davis of Dallas

C.S.H.B. No. 557

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the addition of a county to a freight rail district.

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

4 SECTION 1. The heading to Subchapter B, Chapter 171,
5 Transportation Code, is amended to read as follows:

6 SUBCHAPTER B. CREATION; ADDITION OF COUNTY TO DISTRICT

7 SECTION 2. Section 171.054, Transportation Code, is amended
8 to read as follows:

9 Sec. 171.054. DISTRICT TERRITORY. The district consists of
10 the territory of:

11 (1) each county that created the district;

12 (2) each county added to the district under Section
13 171.055; and

14 (3) the territory of the most populous municipality in
15 the most populous county if that municipality's territory is
16 located in more than one county.

17 SECTION 3. Subchapter B, Chapter 171, Transportation Code,
18 is amended by adding Section 171.055 to read as follows:

19 Sec. 171.055. ADDITION OF COUNTY TO DISTRICT. (a) A county
20 may be added to a district if:

21 (1) the county is adjacent to a county with a
22 population of 3.3 million or more that created the district; or

23 (2) the county:

24 (A) is adjacent to a county that is added to the

1 district under Subdivision (1); and

2 (B) contains a navigation district.

3 (b) The following governing bodies must by joint resolution
4 approve the addition of the county to the district:

5 (1) the commissioners court of the county to be added
6 to the district;

7 (2) the commissioners court of each county in the
8 district; and

9 (3) the governing body of the most populous
10 municipality in the most populous county in the district.

11 (c) The resolution must include the number of directors the
12 new county will have on the board.

13 (d) On adoption of the resolution by each commissioners
14 court and the governing body of the municipality, the county is
15 added to the district.

16 SECTION 4. Section 171.101, Transportation Code, is amended
17 to read as follows:

18 Sec. 171.101. COMPOSITION OF BOARD; PRESIDING OFFICER. (a)
19 The board consists of directors, including a presiding officer, as
20 provided in the order or ordinance creating the district under
21 Section 171.052(b).

22 (b) The board shall add directors for each county added to
23 the district as provided in the joint resolution adding the county
24 under Section 171.055.

25 SECTION 5. Section 171.152, Transportation Code, is amended
26 to read as follows:

27 Sec. 171.152. GENERAL CONTRACT POWERS. A district may

1 contract with any person, including:

2 (1) a county or municipality, including a county or
3 municipality that is a member of [~~created~~] the district;

4 (2) this state or any political subdivision of this
5 state;

6 (3) the United States; or

7 (4) a railroad.

8 SECTION 6. Section 171.301(a), Transportation Code, is
9 amended to read as follows:

10 (a) A county or municipality that is a member of [~~created~~]
11 the district may petition the board for approval to withdraw from
12 the district. The board may approve the petition only if:

13 (1) the district has no outstanding bonds; or

14 (2) the district has debt other than bonds and the
15 board finds that the withdrawal of the county or municipality will
16 not materially affect the ability of the district to repay the debt.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.