

By: Pickett

H.B. No. 23

A BILL TO BE ENTITLED

AN ACT

relating to a permit requirement and the payment by a utility of a fee for the use of state highway rights-of-way.

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

SECTION 1. Subchapter E, Chapter 203, Transportation Code, is amended by adding Section 203.0911 to read as follows:

Sec. 203.0911. PERMIT AND FEE FOR USE OF RIGHT-OF-WAY. (a) Notwithstanding any other law, including Chapter 181, Utilities Code, Chapter 552, Local Government Code, Chapter 49, Water Code, and Chapter 111, Natural Resources Code, and except as provided by Subsection (c), the department may require a person, including a governmental or private entity, to obtain a permit and pay a fee as a condition of using any part of a state highway right-of-way for the construction, maintenance, or operation of a utility facility.

(b) The commission shall establish permit fees to be imposed by the department under this section. The fees may be used only for the maintenance of state highways.

(c) The department may not require the payment of a fee under this section from:

(1) a person who has a property interest in the land occupied by the utility facility to be constructed, maintained, or operated; or

(2) a municipality.

SECTION 2. The heading to Subchapter E, Chapter 203,

1 Transportation Code, is amended to read as follows:

2 SUBCHAPTER E. [~~RELOCATION OF~~] UTILITY FACILITIES

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect on the 91st day after the last day of the
8 legislative session.