

By: Alvarado

H.B. No. 3607

A BILL TO BE ENTITLED

AN ACT

relating to notifying a state senator and state representative about the creation of a district and acquiring road powers for a district.

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

SECTION 1. Section 49.011, Water Code, is amended to read as follows:

Sec. 49.011. NOTICE APPLICABLE TO CREATION OF A DISTRICT BY THE COMMISSION. (a) On receipt by the commission of all required documentation associated with an application for creation of a district by the commission under Chapter 36, 50, 51, 54, 55, 58, 65, or 66, the commission shall issue a notice indicating that the application is administratively complete.

(b) On receiving an application for creation of a district by the commission under Chapter 36, 50, 51, 54, 55, 58, 65, or 66, the commission shall send notice of the application to the state senator and state representative who represent the area in which the district is or will be located.

~~(b)~~ (c) The commission by rule shall establish a procedure for public notice and hearing of applications. The rules must require an applicant to publish the notice issued by the commission under Subsection (a) once a week for two consecutive weeks in a newspaper regularly published or circulated in the county where the district is proposed to be located not later than the 30th day

1 before the date on which the commission may act on the application.

2       ~~(e)~~ (d) The commission may act on an application without  
3 holding a public hearing if a public hearing is not requested by the  
4 commission, the executive director, or an affected person in the  
5 manner prescribed by commission rule during the 30 days following  
6 the final publication of notice under Subsection ~~(b)~~ (c).

7       ~~(d)~~ (e) If the commission determines that a public hearing  
8 is necessary, the commission shall advise all parties of the time  
9 and place of the hearing. The commission is not required to provide  
10 public notice of a hearing under this section.

11       SECTION 2. Section 54.234, Water Code, is amended to read as  
12 follows:

13       Sec. 54.234. ACQUIRING ROAD POWERS. (a) Any district or  
14 any petitioner seeking the creation of a district may petition the  
15 commission to acquire the power under the authority of Article III,  
16 Section 52, Texas Constitution, to design, acquire, construct,  
17 finance, issue bonds for, and convey to this state, a county, or a  
18 municipality for operation and maintenance, a road described by  
19 Subsection (b) or any improvement in aid of the road.

20       (b) The road must meet the criteria for a thoroughfare,  
21 arterial, or collector road of:

22               (1) a county in whose jurisdiction the proposed road  
23 project is located; or

24               (2) a municipality in whose corporate limits or  
25 extraterritorial jurisdiction the proposed road project is  
26 located.

27       (c) As soon as practicable after such petition has been

1 filed with the commission, the commission shall issue an order  
2 either approving or denying such petition.

3 (d) If the commission approves the petition, the commission  
4 shall notify the state senator and state representative who  
5 represent the area in which he district is located.

6 ~~(d)~~(e) If the commission issues an order approving the  
7 petition, the district may undertake a road project if:

8 (1) the municipality or county that will operate and  
9 maintain the road has approved the plans and specifications of the  
10 road project; or

11 (2) the Texas Transportation Commission has approved  
12 the plans and specifications of the road project, if the state is to  
13 operate and maintain the road.

14 ~~(e)~~(f) Except as provided by Subsection ~~(d)~~(e), a district  
15 is not required to obtain approval from the Texas Transportation  
16 Commission to acquire, construct, convey, or finance the road  
17 project.

18 SECTION 3. This Act takes effect September 1, 2015.