86R5762 JXC-F

By:  Martinez H.B. No. 3089

A BILL TO BE ENTITLED

AN ACT

relating to payment of costs related to the relocation of certain political subdivision utility facilities for state highway projects.

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

SECTION 1.  Section 203.092, Transportation Code, is amended by adding Subsection (a-4) to read as follows:

(a-4)  Notwithstanding another provision of this section, a utility shall make a relocation of a utility facility required by improvement of the state highway system at the expense of this state if the commission determines that:

(1)  the utility is a political subdivision or is owned or operated by a political subdivision;

(2)  a financial condition would prevent the utility from being able to pay the cost of relocation in full or in part at the time of relocation or, if paid at that time, the payment would adversely affect the utility's ability to operate or provide essential services to its customers; and

(3)  the utility is ineligible for a state infrastructure bank loan under Subchapter D, Chapter 222, or is otherwise unable to finance the cost of the relocation.

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, 2019.