

By: Martinez

H.B. No. 3089

A BILL TO BE ENTITLED

AN ACT

1
2 relating to payment of costs related to the relocation of certain
3 political subdivision utility facilities for state highway
4 projects.

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

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

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

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

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

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

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2019.