

AN ACT

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

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

SECTION 1. Section 203.092(a-4), Transportation Code, is amended 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, or is a water supply or sewer service corporation organized and operating under Chapter 67, Water Code;

(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:

(A) would not be able to receive a state infrastructure bank loan under Subchapter D, Chapter 222, to finance the cost of the relocation and is otherwise unable to finance that cost; or

1 (B) if the utility is a political subdivision or
2 is owned or operated by a political subdivision, the political
3 subdivision [~~that~~]:

- 4 (i) has a population of less than 5,000; and
5 (ii) is located in a county that has been
6 included in at least five disaster declarations made by the
7 president of the United States in the six-year period preceding the
8 proposed date of the relocation.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2601 passed the Senate on May 3, 2023, by the following vote: Yeas 30, Nays 1; May 22, 2023, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 23, 2023, House granted request of the Senate; May 27, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2601 passed the House, with amendment, on May 19, 2023, by the following vote: Yeas 143, Nays 0, one present not voting; May 23, 2023, House granted request of the Senate for appointment of Conference Committee; May 26, 2023, House adopted Conference Committee Report by the following vote: Yeas 136, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor