

BILL ANALYSIS

Senate Research Center

S.B. 723
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Natural Resources
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As Filed

DIGEST

Currently, there is not a road district authority in the Tahitian Village Subdivision in Bastrop County. In the 1980s the roads in the subdivision fell into disrepair. The Bastrop County Water Control and Improvement District No. 2 (district) was granted the powers of a road district for a limited time and began to repair the roads. As the roads were repaired, responsibility for maintaining the roads was transferred to the City of Bastrop or Bastrop County. However, the powers of a road district granted to the district have expired and many miles of roads have yet to be repaired. This bill will grant the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district until such time as the necessary repairs have been made.

PURPOSE

As proposed, S.B. 723 grants the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITIONS. Defines "board," "city," "county," and "district."

SECTION 2. ROAD DISTRICT POWERS AND DUTIES. Provides that the Bastrop County Water Control and Improvement District No. 2 (district) has all the rights, powers, privileges, functions, responsibilities, and duties that the general law grants a road district created under Section 52, Article III, Texas Constitution. Provides that the governing body of the district has within the district's boundaries the powers that Chapter 257, Transportation Code, grants a county commissioners court within its jurisdiction, to the extent that chapter can be applied. Provides that, to the extent this Act conflicts with any provision of general law, this Act controls.

SECTION 3. MASTER PLAN. Requires the district to take certain actions. Sets forth items required to be included in the master plan.

SECTION 4. MASTER PLAN APPROVAL AND ADOPTION. Sets forth procedures for approval and adoption of the master plan for all road improvements.

SECTION 5. ANNUAL REVISIONS HEARING. Requires the district to conduct an annual public hearing on revisions to the master plan to inform the public and provide opportunity for public comment.

SECTION 6. CHARGES. Sets forth charges the district may impose and how monies collected are to be spent.

SECTION 7. TAXES, BONDS, AND OBLIGATIONS. Prohibits the board of directors of the district (board) from issuing bonds or authorizing a tax under this Act unless the bond or tax is approved by a two-thirds majority of the voters at an election held for that purpose. Prohibits bonds, notes, or other obligations of the district issued or incurred under this Act from exceeding one-fourth

of the assessed valuation of the real property in the district.

SECTION 8. APPROVAL OF PLANS AND SPECIFICATIONS. Sets forth procedures for approval of road plans and specifications.

SECTION 9. INSPECTIONS, SAMPLING, AND TESTING. Authorizes the City of Bastrop (city) or Bastrop County (county) to take certain actions. Authorizes the district to include certain costs in the bid specifications. Provides that, if the district includes the costs in the specifications, the costs are allowable for charges for expending road money.

SECTION 10. CONVEYANCE OF IMPROVEMENTS. Requires the district to convey the completed improvements to the city or county as appropriate. Requires the city or county to accept the improvements, if the improvements comply with the minimum standards the city or county, as applicable, prescribes for improvements in its jurisdiction. Provides that, if the jurisdictions of the city and county overlap, the more stringent standards apply.

SECTION 11. ADDITIONAL POWERS. Sets forth additional powers of the district.

SECTION 12. REPORT TO LEGISLATORS. Requires the district annually to present a report containing certain information concerning road district activities to certain representatives and senators.

SECTION 13. TERMINATION OF ROAD DISTRICT AUTHORITY; DISTRIBUTION OF DISTRICT MONEY. Sets forth conditions that will terminate the road district authority conferred on the district. Sets forth regulations for distribution of money in the district's possession or control when the road district authority terminates.

SECTION 14. Emergency clause.
Effective date: upon passage.