

CHAPTER 625

S.B. No. 513

An Act relating to the authority of a county to construct, improve, maintain, or repair city streets and alleys with the consent of the city; adding Section 2.010 to the County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes) is amended by adding Section 2.010 to read as follows:

"Section 2.010. COUNTY AUTHORITY WITHIN CITY OR TOWN. (a) The commissioners court of a county may expend county funds to finance the construction, improvement, maintenance, or repair of a street or alley located in the county within the limits of an incorporated city or town if the work on the street or alley is done with the consent and approval of the governing body of the city or town.

"(b) The authority of the county to finance the construction, improvement, maintenance, or repair of the street or alley includes the authority to provide any necessary roadbed preparation or material, paving or other hard covering of the street or alley, curbing or guttering, or bridges or drainage facilities.

"(c) The construction, improvement, maintenance, or repair may be done or financed:

"(1) by the county through the use of county equipment; provided, however, that a county acting under this subsection may not expend bond funds for the construction of new roads within the incorporated limits of a city or town unless such construction is specifically authorized in the election approving the issuance of such bonds regardless of the source of the funds used to acquire that equipment;

"(2) by an independent contractor with whom the county has contracted or by the county as an independent contractor with the city; or

"(3) by the city or town, with the city or town to be reimbursed by the county.

"(d) A county acting under this section has, to the extent practicable, the same powers and duties regarding the levying of assessments for the construction, improvement, maintenance, or repair that the city or town would have if the city or town were to finance and undertake the construction, improvement, maintenance, or repair.

"(e) The authority granted under this section is in addition to any authority granted to a county under the laws of this state or by a local road law and shall not limit the authority of that county granted under such laws."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0; Senate concurred in House amendment on May 27, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 24, 1985, by the following vote: Yeas 147, Nays 1, one present not voting.

Approved: June 14, 1985

Effective: Immediately