

BILL ANALYSIS

Senate Research Center
76R5483 DRH-F

H.B. 2265
By: Hamric (Brown)
Infrastructure
5/10/1999
Engrossed

DIGEST

The Harris County Road Law (law) was originally passed in 1913. H.B. 2265 would update the provisions of the law to conform to practices under the Government Code and Local Government Code. This bill would also give the county authority to seek a civil penalty for a person who violates the law, and would relieve the county of the requirement to publish notice of any rules adopted under the law in a general circulation newspaper.

PURPOSE

As proposed, H.B. 2265 sets forth provisions regarding the Harris County Road Law and provides a civil penalty.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1-A, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, as added by Chapter 801, Acts of the 68th Legislature, Regular Session, 1983, to authorize the commissioners court of Harris County to prohibit the discharge of sewage and certain wastes into drainage ditches in the rights-of-way of county roads when such waste is not being discharged in accordance with a permit issued by the Texas Natural Resource Conservation Commission, rather than the Department of Water Resources.

SECTION 2. Amends Section 2, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, as added by Chapter 801, Acts of the 68th Legislature, Regular Session, 1983, to require the commissioners' court of Harris County to have the power and right to adopt such rules and regulations for certain reasons, including the construction and maintenance of driveways, culverts, bridges, and other structures within the county road right-of-way to provide access to and from the traveled portion of the road to property adjoining such road which may include certain requirements. Authorizes fees collected under Subsection (a) (5) of this section to be used only to defray the expenses of administration of such rules and regulations promulgated by the commissioners' court. Requires the commissioner' court to further have the power to add to, alter, repeal, or amend said rules and regulations. Requires any person who violates any provisions of any rules or regulations adopted by the commissioners' court pursuant to this section, to be guilty of a Class C misdemeanor. Authorizes a county to institute a civil suit in district court against a person who violates a rule or regulation adopted by the commissioners court under this section. Sets forth the court's authorized actions, on a finding that the person has violated, is violating, or is threatening to violate the rule or regulation. Requires there to be at least three commissioners and the county judge present when such rules and regulations are adopted, amended, or repealed. Authorizes the commissioners' court, upon the third day, with two commissioners and the county judge present, to act on any matter covered by this section as if three members and the county judge were present, if two of the commissioners are absent from a regular weekly meeting of the commissioners' court for as long as two days in succession. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 3, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, to require whenever any rules, regulations or course of procedure in connection with the construction or maintenance of the roads, bridges, and drains of Harris County have been adopted, to thereupon be reduced to writing, approved by the county judge and recorded by the clerk in minutes of the commissioners' court, and shall thereafter be binding. Deletes text requiring that whenever certain

rules or amendments were adopted, they were required to be permitted in certain newspapers at certain times.

SECTION 4. Amends Section 32, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, to require, if any such county commissioner, or such county officer, shall willfully violate any of the foregoing provisions of this Section, that he be deemed guilty of malfeasance in office, and upon conviction thereof, shall be punished by a fine of not less than \$500, nor more than \$1,000, or by imprisonment, in the county jail of said county, for not more than one year, or by both such fines and imprisonment; and in addition thereto, shall be forthwith removed from office. Deletes text providing that the county judge shall receive as ex officio compensation not more than \$3,000 per annum, to be fixed by the court, and shall receive no per diem.

SECTION 5. Repealers:

(1) Section 5-a, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, as added by Chapter 205, Acts of the 50th Legislature, Regular Session, 1947.

(2) Section 28-b, Chapter 17, Special Laws, Acts of the 33rd Legislature, Regular Session, 1913, as added by Chapter 15, Special Laws, Acts of the 42th Legislature, Regular Session, 1931.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.