

1-1 By: Shapiro, Ratliff S.B. No. 361
1-2 (In the Senate - Filed February 5, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Infrastructure
1-4 Development and Security; March 19, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9, Nays
1-6 0; March 19, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 361 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the precedence of certain municipal highway access
1-11 rules and ordinances over highway access management orders of the
1-12 Texas Transportation Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 203.032, Transportation Code, is amended
1-15 to read as follows:

1-16 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Except
1-17 as provided by Subsection (b), an ~~An~~ order of the commission under
1-18 Section 203.031 supersedes a conflicting rule or ordinance of a
1-19 state agency or subdivision of this state or any county or
1-20 municipality, including a home-rule municipality.

1-21 (b) An order of the commission under Section 203.031(a)(2)
1-22 or (4) does not supersede a conflicting rule or ordinance of a
1-23 municipality, including a home-rule municipality, unless the
1-24 United States Department of Transportation Federal Highway
1-25 Administration notifies the department that enforcement of the
1-26 municipal rule or ordinance would impair the ability of the state or
1-27 the department to receive funds for highway construction or
1-28 maintenance from the federal government.

1-29 (c) Subsection (b) does not apply when the department owns
1-30 the access rights.

1-31 SECTION 2. This Act takes effect immediately if it receives
1-32 a vote of two-thirds of all the members elected to each house, as
1-33 provided by Section 39, Article III, Texas Constitution. If this
1-34 Act does not receive the vote necessary for immediate effect, this
1-35 Act takes effect September 1, 2003.

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