

BILL ANALYSIS

Senate Research Center

H.B. 1287
By: Leibowitz (Madla)
Intergovernmental Relations
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1287 allows a county to prevent illegal dumping in certain circumstances and expedites a county's ability to address illegal dumping and improve cost recovery.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 343.013, Health and Safety Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes a county to bring suit under this section (Injunction) to prohibit or control access to the premises to prevent a continued or future violation of Section 343.011(c)(1), (8), or (9) (Public Nuisance). Authorizes the court to grant relief under this subsection only if the county demonstrates that certain conditions exist.

(d) Prohibits the court from taking certain actions in granting relief under Subsection (c)

SECTION 2. Amends Section 343.021, Health and Safety Code, to authorize a county to abate a nuisance under Section 343.011(c)(1), (8), or (9), by prohibition or control of access to the premises, if the county adopts abatement procedures that are consistent with the general purpose of this chapter and that conform to this chapter.

SECTION 3. Amends Section 343.022(a) and (c), Health and Safety Code, as follows:

(a) Requires the abatement procedures adopted by the commissioners court to be administered by a regularly salaried, full-time county employee, but authorizes the prohibition or control of access to the premises to prevent a violation of Section 343.011(c)(1), (8), or (9), or the removal or demolition of the nuisance to be made by a person authorized by the person administering the abatement program.

(c) Requires the notice required by the abatement procedures to state certain information.

SECTION 4. Amends Subchapter C, Chapter 343, Health and Safety Code, by adding Section 343.0235, as follows:

Sec. 343.0235. USE OF COUNTY FUNDS. Entitles a county to use any money available under other law for a cleanup or remediation of private property to abate a nuisance described by Section 343.011(c)(1), (8), or (9).

SECTION 5. Makes application of Section 343.022(c), as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2005.