

BILL ANALYSIS

Senate Research Center
79R8135 QS-F

H.B. 2966
By: Seaman (Hinojosa)
Intergovernmental Relations
5/20/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Section 60.071, Water Code, provides that a port authority or water district may pass, amend, or repeal any ordinance, rule or police regulation which is not contrary to the constitution or laws of this state and which is necessary to protect the property and to promote the health, safety and general welfare of persons using this property. A district may enact ordinances to enforce any of its laws. Violations of these ordinances are equivalent to Class C misdemeanors under the Texas Penal Code. Conviction in a criminal court for violating water district/port authority ordinances is currently punishable by a fine of no more than \$200; however, the maximum fine for Class C Misdemeanors in the Texas Penal code is \$500. H.B. 2966 allows the above authorities to increase the maximum fine for violations of ordinances from \$200 to \$500.

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 Section 60.078, Water Code, to provide that a violation of this subchapter or of an ordinance, rule, or regulation adopted by a navigation district under this subchapter is a misdemeanor, and authorizes the navigation and canal commission to provide for the punishment of the misdemeanor by a fine of not more than \$500, rather than \$200, for each offense or violation.

SECTION 2. (a) Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.