

AN ACT

relating to a county fee for an activity that excavates or cuts the surface of a county road.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 240, Local Government Code, is amended by adding Section 240.907 to read as follows:

Sec. 240.907. FEE FOR CUTTING COUNTY ROAD. (a) In this section, a cut of a county road means the act of excavating or cutting the surface of a county road.

(b) To provide funds for the future inspection, repair, and maintenance of a cut road, a county may impose a fee on a person or other entity for each cut of a county road during or as an incident to the installation, maintenance, or repair of any facilities or properties of the person or entity.

(c) The fee authorized by this section:

(1) may not exceed \$500;

(2) may be imposed either before or after the cutting of the road; and

(3) is in addition to any other charge the county is authorized to impose to repair damage to the road because of the cut.

(d) This section does not apply in relation to a person or other entity that:

(1) has entered into an agreement with the county that

1 provides for fees to be paid by the person or entity for the use of
2 the county roads; or

3 (2) is a utility that is not required under Chapter
4 181, Utilities Code, to provide notice to a commissioners court of a
5 county.

6 SECTION 2. A fee imposed under Section 240.907, Local
7 Government Code, as added by this Act, applies only to a cutting of
8 a county road that occurs on or after the effective date of this
9 Act.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1610 was passed by the House on May 9, 2005, by the following vote: Yeas 144, Nays 0, 3 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1610 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1610 on May 29, 2005, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1610

I certify that H.B. No. 1610 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1610 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor