

1-1 By: Chisum (Senate Sponsor - Brimer) H.B. No. 1610  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 20, 2005, reported favorably, as  
1-5 amended, by the following vote: Yeas 5, Nays 0; May 20, 2005, sent  
1-6 to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Brimer

1-8 Amend H. B. 1610 by adding after line 26 on page 1 the following:  
1-9 (b) Pipelines that cross roads to service oil or gas wells  
1-10 must be buried and maintained as designated by a private road owner.  
1-11 Re-letter remaining subsections.

1-12 A BILL TO BE ENTITLED  
1-13 AN ACT

1-14 relating to a county fee for an activity that excavates or cuts the  
1-15 surface of a county road.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Subchapter Z, Chapter 240, Local Government  
1-18 Code, is amended by adding Section 240.907 to read as follows:

1-19 Sec. 240.907. FEE FOR CUTTING COUNTY ROAD. (a) In this  
1-20 section, a cut of a county road means the act of excavating or  
1-21 cutting the surface of a county road.

1-22 (b) To provide funds for the future inspection, repair, and  
1-23 maintenance of a cut road, a county may impose a fee on a person or  
1-24 other entity for each cut of a county road during or as an incident  
1-25 to the installation, maintenance, or repair of any facilities or  
1-26 properties of the person or entity.

1-27 (c) The fee authorized by this section:

1-28 (1) may not exceed \$500;

1-29 (2) may be imposed either before or after the cutting  
1-30 of the road; and

1-31 (3) is in addition to any other charge the county is  
1-32 authorized to impose to repair damage to the road because of the  
1-33 cut.

1-34 (d) This section does not apply in relation to a person or  
1-35 other entity that:

1-36 (1) has entered into an agreement with the county that  
1-37 provides for fees to be paid by the person or entity for the use of  
1-38 the county roads; or

1-39 (2) is a utility that is not required under Chapter  
1-40 181, Utilities Code, to provide notice to a commissioners court of a  
1-41 county.

1-42 SECTION 2. A fee imposed under Section 240.907, Local  
1-43 Government Code, as added by this Act, applies only to a cutting of  
1-44 a county road that occurs on or after the effective date of this  
1-45 Act.

1-46 SECTION 3. This Act takes effect immediately if it receives  
1-47 a vote of two-thirds of all the members elected to each house, as  
1-48 provided by Section 39, Article III, Texas Constitution. If this  
1-49 Act does not receive the vote necessary for immediate effect, this  
1-50 Act takes effect September 1, 2005.

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