

1-1 By: Smith of Harris (Senate Sponsor - Jackson) H.B. No. 1420
1-2 (In the Senate - Received from the House April 23, 2007;
1-3 April 26, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 16, 2007, reported
1-5 favorably by the following vote: Yeas 8, Nays 0; May 16, 2007,
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the removal of property from county roads by certain
1-10 counties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 280.002(c), (d), and (g),
1-13 Transportation Code, are amended to read as follows:

1-14 (c) Except as provided by Subsection (g), a county
1-15 commissioner may order the removal of ~~remove~~ personal property by
1-16 the county from the right-of-way or roadway of a county road if the
1-17 county commissioner determines the property:

1-18 (1) blocks the right-of-way or roadway for at least
1-19 six hours; or

1-20 (2) endangers public safety.

1-21 (d) A county commissioner may order the removal of ~~remove~~
1-22 the personal property by the county without the consent of the owner
1-23 or carrier of the property.

1-24 (g) A county commissioner may not order the removal of
1-25 ~~remove~~ personal property of a public utility that is using the
1-26 right-of-way or roadway of a county road to install, maintain,
1-27 repair, or otherwise access a facility of the public utility.

1-28 SECTION 2. This Act takes effect immediately if it receives
1-29 a vote of two-thirds of all the members elected to each house, as
1-30 provided by Section 39, Article III, Texas Constitution. If this
1-31 Act does not receive the vote necessary for immediate effect, this
1-32 Act takes effect September 1, 2007.

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