

BILL ANALYSIS

C.S.H.B. 2874
By: Hunter
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, county governments are limited in their ability to regulate the cutting of certain types of trees located in the unincorporated areas of a county. Residents of Aransas County have recently witnessed the clear-cutting of hundreds of live oaks, which serve as a valuable economic resource to the county. These trees serve not only the residents of Aransas County, but also those individuals who travel to the coast from all over Texas due to their aesthetic beauty. The bill seeks to provide counties the ability to safeguard their natural resources for the benefit of all residents of Texas.

C.S.H.B. 2874 authorizes the commissioners courts of certain counties to prohibit or restrict the clear-cutting of live oak trees in the unincorporated areas of the counties.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2874 amends the Local Government Code to authorize a commissioners court of a county with a population of 50,000 or less that borders the Gulf of Mexico and in which is located at least one state park and one national wildlife refuge to prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county. The bill makes it an offense for a person to violate such an order if the order defines the violation as an offense. The bill specifies that such an offense is prosecuted in the same manner as an offense defined under state law. The bill authorizes the county attorney or an attorney representing the county to file an action in district court to enjoin a violation or threatened violation of such an order and authorizes the court to grant appropriate relief.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2874 differs from the original by applying its provisions to a county with a population of 50,000 or less, rather than 25,000 or less, as in the original.