

BILL ANALYSIS

C.S.H.B. 1768
By: Munoz, Jr.
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties within counties such as Hidalgo County consider the solicitation of business by unregulated roadside vendors and solicitors to be a major problem in unincorporated areas of the county. These vendors can create traffic and other health and safety issues, encroach into rights-of-way, and skirt sales tax laws. C.S.H.B. 1768 seeks to allow more counties greater flexibility to regulate roadside vendors and solicitors.

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. 1768 amends the Transportation Code, in a provision authorizing a county commissioners court by order to regulate roadside vendors and solicitors in the unincorporated area of the county under certain circumstances, to lower from 1.3 million to 450,000 the minimum population threshold of a county to which that provision applies and to prohibit such an order from prohibiting the sale of livestock. The bill makes a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1768 differs from the original by lowering from 1.3 million to 450,000 the minimum population threshold of a county to which a provision authorizing a county commissioners court by order to regulate roadside vendors and solicitors in the unincorporated area of the county applies, whereas the original lowers that minimum population threshold to 740,000. The substitute contains provisions not included in the original prohibiting an order from prohibiting the sale of livestock and making a conforming change. The substitute omits a provision included in the original authorizing a county by order to authorize certain county employees to issue citations for a violation relating to the regulation of roadside vendors and solicitors.