

BILL ANALYSIS

C.S.H.B. 3482
By: Fletcher
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The law relating to abandonment of a county road does not currently apply to a road to a cemetery. Interested parties support making the law apply to a road to a cemetery under certain conditions. C.S.H.B. 3482 seeks to address this by amending current law relating to abandonment of a county road.

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. 3482 amends the Transportation Code to add a condition to the exemption of a road to a cemetery from state law relating to the abandonment of a county road by specifying that such a road is exempt unless a property owner whose property adjoins the road enclosed with a fence files notice with the county clerk of the county in which the road is located that the owner agrees to provide reasonable access to the cemetery.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3482 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 251.057(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to:

(1) a road to a cemetery, unless a property owner who enclosed the road with a fence under Subsection (a) files notice with the county clerk of the county in which the road is located that the owner agrees to provide reasonable access to the cemetery in accordance with Section 711.041, Health and Safety Code; or

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 251.057(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to:

(1) a road to a cemetery, unless a property owner whose property adjoins the road enclosed with a fence under Subsection (a) files notice with the county clerk of the county in which the road is located that the owner agrees to provide reasonable access to the cemetery in accordance with Section 711.041, Health and Safety Code; or

(2) an access road that is reasonably necessary to reach adjoining real property.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(2) an access road that is reasonably necessary to reach adjoining real property.

SECTION 2. Same as introduced version.