

By: Paddie

H.B. No. 1863

A BILL TO BE ENTITLED

AN ACT

relating to landscape control along interstate and state highway rights-of-way; imposing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 392, Transportation Code, is amended by adding Section 392.004 to read as follows:

Sec. 392.004. LANDSCAPE MANAGEMENT PROGRAM. (a) In this section, "landscape management" means trimming or removing seedlings, saplings, trees, and vegetation on the state highway system rights-of-way as necessary to provide suitable visibility to adjacent businesses.

(b) The commission shall establish a landscape management program in a manner consistent with this section that shall include:

(1) a process for submitting and approving a request for landscape management, including appropriate fees;

(2) an appeals process for approval or denial of a request for landscape management.

(3) a method by which the applicant may mitigate landscape management by either providing in-kind replacement of any vegetation removed or reimbursing the department for its value.

(c) A person may not perform landscape management unless approved by the commission under this section.

(d) A person commits an offense if the person performs

1 landscape management without first obtaining approval of the
2 commission under this section. An offense under this subsection is
3 a Class C misdemeanor.

4 (e) The commission may adopt rules necessary to implement
5 this section.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.