

## **BILL ANALYSIS**

Senate Research Center  
88R2226 DRS-D

S.B. 790  
By: Kolkhorst  
Transportation  
3/23/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Waller County currently utilizes the "unit" system as described in Section 252.301 of the Transportation Code. This system was adopted by Waller County decades ago when most of the revenue generated by the county was centralized in one part of the county. The unit system helped ensure that resources were equally utilized throughout the county.

It has become evident to the commissioners court that the unit system is no longer the best-suited system of organization for the county engineering department. The unit system removes the commissioners court from the day-to-day decision-making that impacts their precinct(s). The court acts as the policy-making body, but the county engineer acts as the CEO for the department and has full control of operations. Given that the members of the court are the duly elected representatives of their precincts, the lack of day-to-day authority over engineering operations in their precincts has become an issue, and constituents have been critical of the lack of control.

S.B. 790 would allow for the commissioners court to adopt a precinct system, which would enable the court to be more responsive to constituent needs, allow the court to conduct engineering operations in the county as they see fit, and place the burden of allocation of resources on the court rather than the engineering department.

As proposed, S.B. 790 amends current law relating to systems of county road administration in certain counties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 252.301(d), Transportation Code, to create an exception under Section 252.3011.

SECTION 2. Amends Subchapter D, Chapter 252, Transportation Code, by adding Section 252.3011, as follows:

Sec. 252.3011. DISCONTINUATION OF COUNTY ROAD DEPARTMENT SYSTEM IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of less than 75,000 that is adjacent to three counties with populations of more than 450,000.

(b) Authorizes the commissioners court of a county that has voted to adopt Subchapter D (County Road Department System) to discontinue the use of this subchapter by an order made at a regular term of the court.

(c) Requires the commissioners court to enter the order in its minutes. Provides that the order is not required to be in any particular form, and substantial compliance with this section is sufficient.

(d) Provides that Subchapter B (Road Commissioner System) applies to the county if the commissioners court discontinues the use of this subchapter.

SECTION 3. Effective date: September 1, 2023.