

SUBJECT: County reports on highway expenditures

COMMITTEE: Transportation — favorable, with amendment

VOTE: 8 ayes — Alexander, Bosse, Alonzo, Clemons, Moreno, Price, Siebert, Uher

0 nays

1 absent — Edwards

SENATE VOTE: On final passage, March 16 — 30-0

WITNESSES: None

DIGEST: SB 437, as amended, would require counties to report annually to the state comptroller on spending from the county road and bridge fund or face loss of certain funds. The bill also would allow a county commissioner in certain small-population counties to decide whether to maintain a public road in the commissioner's precinct.

A county auditor or official charged with auditor duties would have to report to the comptroller the total amount of expenditures for county road and bridge construction, maintenance, rehabilitation, right-of-way acquisition, utility construction and other appropriate road expenditures of county funds spent on public roads or highways in the preceding calendar year.

If the most recent report was not filed by a county with the comptroller, money from the county and road district highway fund would not be distributed to the county.

The report would be due by January 30 of each year. The comptroller would prescribe the form of the report.

SB 437 would delete requirements for filing reports on spending to the highway department.

In counties with a population of 20,000 to 25,000 that are adjacent to counties with a population of 400,000 to one million, a county commissioner could decide whether to maintain a public road in the commissioner's precinct. If the public road was within a city, the county commissioner could authorize the maintenance of the road if the work on the road was done with the consent and approval of the governing body of the municipality. If the public road was under the jurisdiction of the Texas Department of Transportation, the commissioner could authorize county maintenance of the road if the department approved the work.

The bill would take immediate effect if approved by two thirds of the membership of each house.

**SUPPORTERS
SAY:**

SB 437 would provide for accountability of the money that is constitutionally dedicated to the county road and bridge funds by requiring a county to report how it spent funds required to be used for highway purposes. The bill would make the reporting requirement meaningful by including by creating an enforcement mechanism: withholding of road and bridge funds. The comptroller is the appropriate office for receiving such tax-related reports, and the increased accountability would ensure that tax dollars are spent efficiently.

SB 437 would also help ensure that public roads in certain rural counties are maintained by authorizing a county commissioner to determine if public roads in the commissioner's precinct need maintenance.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee added the amendment related to powers of a county commissioner in certain small counties.