

BILL ANALYSIS

Senate Research Center

S.B. 2553
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, county governments are limited in their ability to regulate the cutting of certain types of trees located in the unincorporated areas of a county. Residents of Aransas County have recently witnessed the clear-cutting of hundreds of live oaks, which serve as a valuable economic resource to the county. These trees serve not only the residents of Aransas County, but also those individuals who travel to the coast from all over Texas due to their aesthetic beauty. This bill seeks to provide counties the ability to safeguard their natural resources for the benefit of all residents of Texas.

S.B. 2553 authorizes the commissioners courts of certain counties to prohibit or restrict the clear-cutting of live oak trees in the unincorporated areas of those 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 Subchapter Z, Chapter 240, Local Government Code, by adding Section 240.909, as follows:

Sec. 240.909. REGULATION OF TREE CUTTING IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of 50,000 or less that borders the Gulf of Mexico and in which is located at least one state park and one national wildlife refuge.

(b) Authorizes the commissioners court of a county subject to this section to prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county.

(c) Provides that a person commits an offense if the person violates an order adopted under this section and the order defines the violation as an offense. Provides that an offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$500. Provides that an offense under this section is prosecuted in the same manner as an offense defined under state law.

(d) Authorizes the county attorney or an attorney representing the county to file an action in district court to enjoin a violation or threatened violation of an order adopted under this section. Authorizes the court to grant appropriate relief.

(e) Provides that this subchapter, or an order or zoning regulation adopted under this subchapter, does not apply to the facilities or operations of an electric utility as defined by Section 31.002 (Definitions), Utilities Code, or a gas utility as defined by Section 101.003 (Definitions) or 121.001 (Definition of Gas Utility), Utilities Code.

SECTION 2. Effective date: upon passage or September 1, 2009.