

## **BILL ANALYSIS**

Senate Research Center  
81R3397 ACP-F

S.B. 376  
By: Carona  
Transportation & Homeland Security  
2/23/2009  
As Filed

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

Section 701.006, Transportation Code, states that if a county traffic officer (officer) fails to enforce the law, a district engineer is authorized to report the officer to the commissioners court (court), where a hearing will determine the officer's fate. The court, on its own initiative or on the recommendation of the sheriff, can also report the officer.

As proposed, S.B. 376 strikes language that provides that if a county traffic officer fails to perform the officer's duty to enforce the law, the district engineer of the Texas Department of Transportation district in which a county traffic officer operates is authorized to send a written, signed complaint to the court, requiring it to hold a hearing, summon the officer, and to discharge the officer and employ another if the court determines at the hearing that the officer has not performed the officer's duty.

### **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 701.006, Transportation Code, to read as follows:

Sec. 701.006. New heading: DISMISSAL. Creates this section from existing text of Subsection (d). Deletes existing text of Subsections (a)-(c) providing that if a county traffic officer (officer) fails to perform the officer's duty to enforce the law, the district engineer of the Texas Department of Transportation district in which an officer operates is authorized to send a written, signed complaint to the commissioners court, requiring the court, on receipt of the complaint, to hold a hearing and summon the officer to appear before it and requiring the court to immediately discharge the officer and promptly employ another officer if the commissioners court determines at the hearing that the officer has not performed the officer's duty.

SECTION 2. Repealer: Section 701.002(b) (relating to duties of a district engineer), Transportation Code.

SECTION 3. Effective date: upon passage or September 1, 2009.