

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 31, 2003

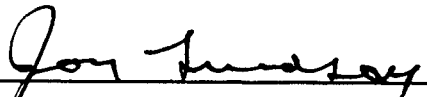
Date

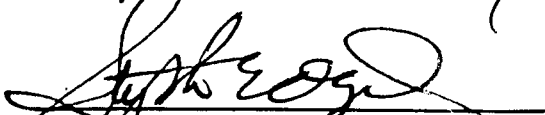
Honorable David Dewhurst
President of the Senate

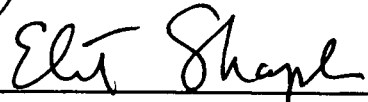
Honorable Tom Craddick
Speaker of the House of Representatives


Sirs:

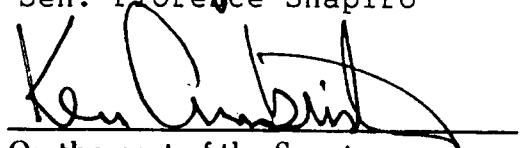
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1782 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

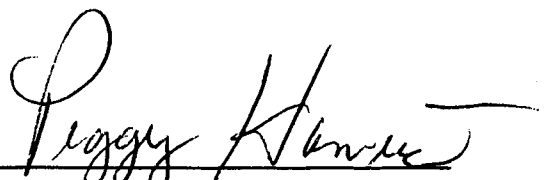

Sen. Jon Lindsay, Chair


Sen. Steve Ogden


Sen. Eliot Shapleigh



Sen. Florence Shapiro

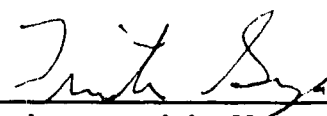

On the part of the Senate
Sen. Ken Armbrister


Rep. Peggy Hamric, Chair


Rep. Mike Krusee


Rep. Joseph Pickett


Rep. Larry Phillips


On the part of the House
Rep. Timoteo Garza

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1782

A BILL TO BE ENTITLED

AN ACT

relating to the precedence of highway access rules and ordinances of certain counties and municipalities over highway access management orders of the Texas Transportation Commission.

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

SECTION 1. Section 203.032, Transportation Code, is amended to read as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An order of the commission under Section 203.031 supersedes a conflicting rule or ordinance of a state agency or subdivision of this state or any county or municipality, including a home-rule municipality.

(b) Notwithstanding Subsection (a), the commission may not adopt or enforce an order under Section 203.031 that:

(1) is applicable to a highway located in a county with a population of 3.3 million or more or in a county adjacent to a county with a population of 3.3 million or more and inconsistent with a highway access rule or ordinance adopted by the commissioners court of the county; or

(2) is applicable to a highway located in a municipality in a county described by Subdivision (1) and inconsistent with a highway access rule or ordinance adopted by the governing body of the municipality.

(c) An order of the commission under Section 203.031(a)(2)

1 or (4) does not supersede a conflicting rule or ordinance of a
2 municipality, including a home-rule municipality, or a county,
3 unless the United States Department of Transportation Federal
4 Highway Administration notifies the department that enforcement of
5 the municipality or county rule or ordinance would impair the
6 ability of the state or the department to receive funds for highway
7 construction or maintenance from the federal government.
8 Subsection (b) does not apply if the United States Department of
9 Transportation Federal Highway Administration notifies the
10 department that enforcement of the municipality or county rule or
11 ordinance would impair the ability of the state or the department to
12 receive funds for highway construction or maintenance from the
13 federal government.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2003.

Senate Bill 1782
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Amends Sec. 203.032, Transportation Code. Precedence of Commission Order, as follows:

(a) Provides that an order of the commission supersedes a conflicting rule or ordinance of a state agency or subdivision of this state or any county or municipality.

(b) Provides that the commission, notwithstanding Subsection (a), may not adopt or enforce an order under Sec. 203.031 that (1) is applicable to a highway located in a county with a population of 3.3 million or more or in a county adjacent to such a county and inconsistent with a highway access rule or ordinance adopted by the commissioners court of the county; or (2) is applicable to a highway located in a municipality in a county described by Subdivision (1) and inconsistent with a highway access rule or ordinance adopted by the governing body of the municipality.

(c) Provides that an order of the commission does not supersede a conflicting rule or ordinance of a municipality or a county unless the United States Department of Transportation Federal Highway Administration notifies the department that enforcement of the rule or ordinance would impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

(d) Provides that Subsection (b) does not apply when the department owns the access rights by having specifically

HOUSE VERSION

SECTION 1. Same as Senate version, except as follows:

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version.

(d) Similar to Senate version. Provides that Subsection (b) does not apply when: (1) the department owns the access

CONFERENCE

SECTION 1. Same as Senate version, except as follows:

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version with minor wording changes.

No equivalent provision.

Senate Bill 1782
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

acquired abutters' rights of access from the adjacent property owner, by specific deed language so indicated, or when constructing limited access toll roads and parkways, built without frontage roads that would otherwise allow access, unless preexisting abutters' rights of access to an existing roadway are impacted.

SECTION 2. Effective date.

HOUSE VERSION

rights under Sec. 203.034; or (2) the adjacent property owner does not own the abutter's rights of access. (A1)

SECTION 2. Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.