

BILL ANALYSIS

Senate Research Center
76R8357 PAM-D

H.B. 1159
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Intergovernmental Relations
5/5/1999
Engrossed

DIGEST

Currently, some public nuisance statutes apply only in counties with a minimum population of 125,000. H.B. 1159 deletes the population specification, clarifies regulation of public nuisances, and provides exceptions.

PURPOSE

As proposed, H.B. 1159 clarifies regulation of public nuisances and provides exceptions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 343.011, Health and Safety Code, as follows:

Sec. 343.011. New heading: PUBLIC NUISANCE. Clarifies that this section only applies to the unincorporated area of a county. Describes a public nuisance as discarding refuse or creating a hazardous visual obstruction on certain land and discarding refuse near certain utility lines and easements. Provides that this section does not apply to a site or facility that is licensed or permitted under Chapter 361, or agricultural land. Defines "agricultural land." Deletes text regarding a minimum population. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 343.0111, Health and Safety Code, as follows:

Sec. 343.0111. New heading: SPECIAL EXCEPTION OR VARIANCE TO PUBLIC NUISANCE CLASSIFICATION. Authorizes the commissioners court of a county to describe circumstances which allow a special exception and to authorize a variance from the terms of regulations of a public nuisance. Requires the commissioners court to keep a record of its proceedings and include the reasons for each decision made under this section. Deletes text regarding the application of this section and a public nuisance.

SECTION 3. Amends Section 343.012(a), Health and Safety Code, to delete a reference to Section 343.0111(b).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.