

AN ACT

1
2 relating to the regulatory authority of counties, including
3 granting certain counties authority to regulate the cutting of
4 certain trees; providing a penalty.

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

6 SECTION 1. Subchapter Z, Chapter 240, Local Government
7 Code, is amended by adding Section 240.909 to read as follows:

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

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

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

22 (d) The county attorney or an attorney representing the
23 county may file an action in district court to enjoin a violation or
24 threatened violation of an order adopted under this section. The

1 court may grant appropriate relief.

2 (e) This subchapter, or an order or zoning regulation
3 adopted under this subchapter, does not apply to the facilities or
4 operations of an electric utility as defined by Section 31.002,
5 Utilities Code, or a gas utility as defined by Section 101.003 or
6 121.001, Utilities Code.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.

S.B. No. 2553

David Newkirk
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 2553 passed the Senate on May 15, 2009, by the following vote: Yeas 30, Nays 0.

Antony Saw
Secretary of the Senate

I hereby certify that S.B. No. 2553 passed the House on May 27, 2009, by the following vote: Yeas 130, Nays 18, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Coly Hunter III