

**GENERAL AND SPECIAL LAWS
OF
THE STATE OF TEXAS**

**PASSED BY THE
FIRST CALLED SESSION
OF THE
FIFTY-NINTH LEGISLATURE**

**CONVENED AT THE
CITY OF AUSTIN, FEBRUARY 14, 1966**

AND

ADJOURNED FEBRUARY 23, 1966

PUBLISHED UNDER AUTHORITY OF THE STATE OF TEXAS



JOHN L. HILL SECRETARY OF STATE

HARRISON COUNTY -- ROAD SYSTEM

CHAPTER 778

H. B. NO. 1346

An Act relating to the establishment of a more efficient road system for Harrison County; providing penalties for violations of the Act; repealing certain laws; Providing for severability; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Chapter 156, Acts of the Regular Session of the 42nd Legislature, special laws, creating a more efficient road system for Harrison County, Texas, be, and the same is hereby in all respects repealed insofar as the same applies to Harrison County, Texas.

SECTION 2. That hereafter in the County of Harrison the members of the Commissioners Court of Harrison County, Texas, shall be ex officio road commissioners of their respective precincts in said county. It shall be their duty, under such rules and regulations, as the Commissioners Court of Harrison County, Texas, may adopt and prescribe, and subject to the provisions of this Act, to cooperate and work with the county engineer of Harrison County in the operation of the road and bridge department in the laying out, construction, repairing, and maintenance of the public roads, including bridges and culverts in the county. This section shall not be construed as limiting or changing the responsibility and authority assigned to the county engineer by this Act. Such county commissioners shall each, before entering upon the duties of ex officio road commissioner, execute a corporate surety bond in the sum of \$1,000 payable to the county judge and his successors in office, to be approved by the county judge for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all moneys or other property belonging to said county that may come into his possession; the premium of such bond to be paid out of the road and bridge fund of said county and such bond to be filed in the office of the county clerk of said county, and recorded as other official bonds; such bond shall not be void for the first recovery, but may be sued on from time to time until the whole amount is exhausted.

SECTION 3. It is the purpose of this Act to authorize the Commissioners Court of Harrison County, Texas, and such Commissioners Court is hereby authorized to lay out, construct, improve and maintain an integrated and correlated system of all-weather local public roads and streets in such county, with gravel or other all-weather surface, and to that end the commissioners court is hereby authorized to appropriate and expend the moneys coming into the general road and bridge fund of Harrison County, Texas, herein created, for the laying out, construction, improvement and maintenance of any existing public road or street in such county, or any public road or street which may in the future be laid out, whether outside or inside of any incorporated city or town in Harrison County, Texas.

The Commissioners Court of Harrison County, Texas, shall have full power and authority, and it shall be its duty to adopt at a regular meeting of said court, at which the county judge and at least three of the county commissioners of said county shall be present, and cause to be recorded in the minutes of said court, and put into effect such rules, regulations, plans, and system for the maintenance, laying out, opening, widening, draining, grading, constructing, building, and repairing of the public roads of said county other than the state and federal highways located therein, so as to facilitate travel between the communities thereof, subject to and in harmony with the provisions of this Act; which rules, regulations, plans, and system, together with any changes thereafter made in same, shall be binding upon, observed, and obeyed by the county commissioners, county judge, county engineer, and all employees of the Road and Bridge Department of Harrison County, Texas.

Whenever any rule or regulation of said court is adopted or repealed or changed under this Act, it shall be done only at a regular meeting of the said commissioners court when at least three of said commissioners and the county judge shall be present; but should any one of said commissioners absent himself from a meeting for as long as three days, then any two commissioners and the county judge shall be deemed a quorum sufficient for the adoption, change, or repeal of any such rules or regulations. Should the county judge absent himself from such regular meeting for as long as three days, except for illness or when the commissioners court shall have entered its order allowing said county judge to be absent from Harrison County, then any three commissioners shall be deemed a quorum sufficient for the adoption, change, or repeal of such rules or regulations. No rule or regulation of said court shall be adopted, repealed or changed under this Act when said county judge is absent from Harrison County by order duly entered in the minutes of said court, or when said county judge shall be unable to attend the regular meeting of said commissioners court because of illness, and any rule or regulation adopted, repealed or changed under this Act in violation of this section shall be void.

The initial rules and regulations governing the Road and Bridge Department of Harrison County shall be published in a newspaper of general circulation in the county at least once each week for a period of two consecutive weeks within 30 days after the adoption of such rules and regulations; and, whenever any rule or regulation shall be amended or whenever any new rule or regulation is adopted by said court, repealed or otherwise changed under this Act, such changes as are made shall be published once each week for two consecutive weeks in a newspaper of general circulation in said county, and such changes shall be published within 30 days after their adoption by said commissioners court.

SECTION 4. The Commissioners Court of Harrison County, Texas, shall, and is hereby empowered to, as soon as practicable after the effective date of this Act, at either a regular session or called meeting, appoint and employ a county engineer who shall be a registered professional engineer skilled in highway maintenance and construction. Such engineer shall hold office for such period of time as the court may prescribe by order entered in the minutes of the court, but such engineer may be removed by the commissioners court at any time upon a complaint being filed 10 days before any regular session of the commissioners court, and after a public hearing on such complaint, as hereinafter provided. Removal shall not become effective until the county engineer shall have been notified in writing of the intention of the commissioners court to remove him, and until after a public hearing on the question of his

removal shall have been held, if such hearing is requested of the commissioners court in writing by the county engineer; such removal shall be upon a majority vote of said commissioners court when the county judge and at least three county commissioners are present when the vote is taken at a regular or specially called meeting. The employment of a county engineer shall be evidenced by the execution of a contract between the commissioners court and the engineer reciting the terms of employment and containing a provision setting the minimum monthly salary of such engineer; and, further, reciting the terms and provisions for the removal of the engineer. In the event the office of county engineer shall become vacant by reason of death, resignation, removal, or for any other cause, the Commissioners Court of Harrison County, Texas, shall within a reasonable time after such vacancy occurs, appoint an engineer to fill the vacancy, subject to all of the provisions of this Act pertaining to the county engineer. The county engineer shall receive a reasonable salary for his services to be fixed by the commissioners court, such salary to be paid in equal monthly installments out of the road and bridge fund of said county.

In the absence or inability of the county engineer to perform his duties, the commissioners court may designate a qualified administrative officer to perform the duties of county engineer during such absence or inability.

SECTION 5. Before entering upon the discharge of his duties, such county engineer shall take the oath of office prescribed by law and shall execute a bond in the penal sum of \$10,000 with a good and sufficient corporate surety thereon, payable to the County Judge of Harrison County, Texas, or his successors in office, to be approved by the commissioners court of such county, conditioned that such engineer shall faithfully and efficiently discharge and perform all the duties required of him by law or by the orders, rules, and regulations prescribed by the Commissioners Court of Harrison County, Texas, and will faithfully and honestly account for all the moneys, property and materials placed in his custody as such engineer; the premium of such bond to be paid out of the road and bridge fund of said county.

SECTION 6. Said county engineer shall devote his full time to the operation of the Harrison County Road and Bridge Department and he shall have full custody and control of all machinery, equipment, tools, supplies, materials, and any and all other property heretofore or that may be hereafter acquired by said county out of the road and bridge fund and that is now used in connection with the construction, repairs and/or maintenance of the county roads of said county. Such equipment, materials, supplies, etc., when not in use, shall be, as nearly as practicable, kept in the county warehouse of said county road and bridge department, or may be housed and stored in such manner as said commissioners court shall prescribe by its rules and regulations, provided that no part of said machinery shall be used for any other than a public purpose for the health, general welfare and benefit to the citizens of Harrison County.

The county engineer shall attend all meetings of the commissioners court when it sits to consider county road matters, with the right to participate in the discussion and to make recommendations.

SECTION 7. The county engineer shall make a study of the traffic on county roads in Harrison County, Texas, and based on such study, shall recommend the changes in alignment and grade and/or abandonment of such existing roads, the laying out and opening of additional roads which will from a practical engineering point of view most efficiently and economically provide a

correlated and interconnected system of county highways. Further, such county engineer shall keep on file in his office a map showing all county roads maintained by the Road and Bridge Department of Harrison County, and shall prepare such map or maps as the commissioners court may require.

The county engineer shall make maps, profiles, levels, plans, and specifications for all roads ordered to be laid out, opened, widened, constructed, drained, graded, or repaired, together with the estimates of cost for such laying out, opening, widening, construction, draining, grading, or repairing, as he may deem necessary, or which shall be required by said commissioners court.

SECTION 8. The county engineer shall and is hereby authorized to have under his control and supervision, subject to the orders, rules and regulations of the commissioners court, all maintenance, repair, drainage, and construction work on all county roads in Harrison County, Texas, and is hereby given power and authority to use any part or all of the machinery, equipment, tools, supplies, and other property belonging to the Road and Bridge Department of Harrison County, Texas, and to have under his supervision all employees whose salaries or wages are paid from said road and bridge fund; provided, however, the county engineer, in the performance of his duties under this section, shall be under the general supervision of the Commissioners Court of Harrison County, Texas; and provided further, that all repairs, widening, permanent construction, new construction, bridge, and culvert construction shall be done only after the commissioners court has authorized the same, and in accordance with the rules and regulations prescribed by said commissioners court.

The commissioners court shall, in passing final order for the laying out, opening, widening, construction, improvement, drainage, grading, and repairing of any road, give preference to those roads which shall serve the greatest amount of traffic and those roads constituting public school transportation routes and/or rural mail routes.

SECTION 9. The Commissioners Court of Harrison County, Texas, shall have authority to purchase all machinery, equipment, supplies, and materials necessary, requisite and/or convenient to lay out, construct, repair, and maintain an integrated and correlated system of all-weather local public roads in such county, with gravel or other all-weather surface, and to make payment therefor out of the general road and bridge fund. Before any such machinery, equipment, supplies, and materials are purchased under the provisions of this section, the commissioners court shall order the county engineer to prepare specifications for such machinery, equipment, supplies, or materials, and the commissioners court shall use such specifications as recommendations in making its purchases.

The county engineer shall make recommendations to the Commissioners Court of Harrison County, Texas, for the purchase of machinery, equipment, tools, supplies, and materials for use in the laying out, opening, widening, constructing, draining, grading, repairing, and maintenance of the county roads of Harrison County, and shall prepare specifications for such machinery, equipment, tools, supplies, and materials. The county engineer shall recommend the approval or rejection of all machinery, equipment, tools, supplies, and materials ordered by the commissioners court for use in the laying out, opening, widening, constructing, draining, grading, repairing, and maintenance of the county roads, and shall receipt for such machinery,

equipment, tools, supplies, and materials purchased by the county for the road and bridge department.

The county engineer shall keep a daily report, in triplicate, which shall show the amount of supplies and materials used and where the same were used, one copy of which shall be furnished the county auditor, one copy to the commissioners court, and one copy shall be retained in his office; said report shall show which project such supplies and materials are charged to and shall so allocate the expenditures made on each project as to show the cost thereof.

SECTION 10. The county engineer shall keep or cause to be kept, in triplicate, a daily time report which shall show the amount and character of work performed and the place where the same is performed by each person working under his supervision, one copy of which shall be furnished the county auditor, one copy to the commissioners court, and one copy shall be retained in his office, said time report to be furnished weekly or monthly as may be found to be practicable; said report shall show which project such time is chargeable to, and shall so allocate the expenditures made on each project as to show the cost thereof.

SECTION 11. Said county engineer shall, as soon as possible after the passage of this Act and on or before December 31 of every year, make a complete inventory and appraisal of all machinery, equipment, tools, materials, supplies, and all other property owned by the Harrison County Road and Bridge Department, and transmit the same in written form to the commissioners court and the county auditor, retaining at least one copy for the county engineer's file; and when any of said machinery, equipment, tools, or other property becomes obsolete or unfit for use, the county engineer shall state such fact, together with supporting data and his recommendation, in a written report to the Commissioners Court of Harrison County, Texas, and the commissioners court shall have authority to dispose of such machinery, equipment, tools, or other property in such manner as it deems advisable, in accordance with the laws of the State of Texas.

SECTION 12. The county engineer shall constantly inspect and direct the repair and maintenance of the county roads in accordance with the rules and regulations adopted by the Commissioners Court of Harrison County, Texas, subject to the provisions of this Act, and in cooperation with the ex officio road commissioner of each precinct, respectively, and shall perform such other duties in connection with public roads of Harrison County, Texas, as shall be required of him by said commissioners court.

SECTION 13. The county engineer shall have and he is hereby given authority to employ and discharge all persons necessary to perform all of the provisions of this Act; subject, however, to the confirmation and approval of the Commissioners Court of Harrison County, Texas, and the rules and regulations adopted by said commissioners court. Such employees shall receive such compensation as may be fixed by the Commissioners Court of Harrison County, Texas. Except for the purpose of inquiry and determination of the progress of the county road and bridge projects, and matters of a personal nature, the commissioners court shall deal with the county road and bridge department's administrative personnel and employees through the county engineer. All work orders shall be directed through the county engineer to the road and bridge department personnel.

SECTION 14. The county engineer is empowered and authorized to purchase, rent, lease, or hire all necessary machinery, implements, tools, labor, and materials required to maintain, construct, and improve the public roads of Harrison County, Texas, subject to the rules and regulations adopted by the commissioners court and the terms of this Act. All purchases made, for the use of the road and bridge department of said county, in an amount in excess of \$500, shall be made on the basis of competitive bids, except as may be otherwise provided by order of the commissioners court. Purchases of under \$500, required for the efficient operation of the road and bridge department, shall be made by the county engineer under the rules and regulations adopted by the Commissioners Court of Harrison County, Texas. No purchase shall be made for the benefit of the road and bridge department for which funds are not provided in the current approved road and bridge department budget, except in the case of emergency involving public safety, health, and the protection of life and property.

SECTION 15. It shall be the duty of the county engineer to prepare an annual budget showing the estimated receipts of the road and bridge fund for the ensuing year and a statement containing the estimated expenditures of those funds, including, but not limited to, the following: salaries, equipment, materials, rights-of-way, and supplies. The county engineer shall submit his budget to the County Judge of Harrison County, Texas, for implementation and inclusion in the overall county budget, and the budget prepared by the county engineer for the road and bridge department shall be submitted to the county judge on or before the 1st day of July of each year.

All expenditures for the construction and maintenance of the county roads and the operation of the county road and bridge department shall be paid out of the road and bridge fund strictly in accordance with annual budgeted appropriations, except the commissioners court may transfer any part of any unencumbered appropriation balance for some item within the road and bridge fund budget to some other item.

SECTION 16. The Commissioners Court of Harrison County, Texas, shall have the authority to employ a consulting engineer to advise with the commissioners court and the county engineer with reference to any major road and bridge construction program and to pay such consultant on a retainer basis or a percentage of the cost of construction, or in such other manner as the court may deem advisable. The employment of a consulting engineer shall be evidenced by contract in writing approved by said commissioners court. All reports to the commissioners court by the consulting engineer shall be in writing and at such intervals as said commissioners court may require.

SECTION 17. The Commissioners Court of Harrison County, Texas, shall have authority to cooperate with the State Highway Commission, State Highway Department, Federal Highway Commission and/or such other state or federal agencies or officials who have authority to cooperate in the establishment, construction, and maintenance of local public or farm-to-market roads, a portion of the expense of which is to be borne by the county and a portion thereof by the state or federal government, including but not limited to matching funds. The commissioners court shall have authority to pay the county's portion of all proper expense of all construction, repairs, and maintenance and other costs properly incident thereto out of the Road and Bridge Fund of Harrison County, Texas.

SECTION 18. It is one of the purposes of this Act to place the general operation of the Harrison County Road and Bridge Department under the control of the County Engineer of Harrison County, Texas, subject to the rules and regulations prescribed by the Commissioners Court of Harrison County, Texas. The commissioners court shall act as the policy determining body and the county engineer as the chief executive officer. The county engineer shall carry out the policies of the commissioners court as prescribed in the orders, rules and regulations adopted by said court.

The construction and maintenance of county roads, the ownership and use of all county road and bridge department equipment, materials, and supplies, and the administration of the county road and bridge department shall be on the basis of the county as a whole without regard to commissioner's precincts.

SECTION 19. The Commissioners Court of Harrison County, Texas, shall establish and maintain a Road and Bridge Fund of Harrison County, Texas, on a cash basis and shall as economically feasible, establish, construct, and maintain an integrated and correlated system of all-weather local public roads, with gravel or other all-weather surface; and to this end the Commissioners Court of Harrison County, Texas, is authorized to expend the moneys coming into the general road and bridge fund for the purpose of laying out, constructing, repairing, and maintaining such county road system. No road bonds may be issued or sold by the Commissioners Court of Harrison County, Texas. No special road tax shall be levied without compliance with the provisions of the laws of the State of Texas applicable thereto.

SECTION 20. From and after the passage of this Act, the right-of-way for all county roads constructed in Harrison County, Texas, shall be a minimum of at least 60 feet in width.

SECTION 21. The Commissioners Court of Harrison County, Texas, is hereby authorized to carry workmen's compensation insurance on all of the employees of the road and bridge department, including the county engineer, which insurance may be paid for out of the road and bridge fund; and, further, said commissioners court is hereby authorized to carry employers liability insurance for the protection of the employees of the road and bridge department of said county, including the county engineer, against claims arising out of the tortious acts of such employees while operating within the scope of their duties, and said commissioners court is hereby authorized to carry such other liability insurance as it may deem necessary to protect the county and the employees of said road and bridge department under any existing statute or law of the State of Texas, or any statute or law hereinafter enacted applicable to counties for the purpose of protecting said county and its employees against tort claims.

SECTION 22. Any person who shall knowingly or willfully destroy, injure, or deface any bridge, culvert, drain, sewer, ditch, signboard, or anything of like character, placed upon any road for the benefit of same, or who shall throw or deposit any trash or debris upon the public roads of Harrison County, Texas, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than \$50 nor more than \$500.

SECTION 23. Each county commissioner acting as an ex officio road commissioner and who is faithfully discharging the duties imposed upon him by this Act or by the rules, regulations and orders of the Harrison County Commissioners Court, may, by order of said commissioners court, be allowed, as compensation for travel expenses in addition to his salary as such county commissioner a sum not to exceed \$200 per month, to be paid monthly out of the road and bridge fund of the county in accordance with the orders, rules and regulations adopted by said commissioners court. Nothing contained herein, shall be construed as limiting the reimbursement of any County Commissioner of Harrison County, Texas, for travel expenses incurred in the performance of his duties as a county commissioner when not in connection with the county road and bridge department.

SECTION 24. Each county commissioner shall be responsible for negotiating the purchase of right-of-way for the public roads and streets constructed, repaired and maintained in his county commissioner's precinct; and further, such commissioner shall be responsible for negotiating the purchase and acquisition of right-of-way for public streets and roads in his said precinct for the laying out of any new road or street or the widening of any existing road or street, all of which negotiation shall be governed by the orders, rules and regulations of the Commissioners Court of Harrison County, Texas. The actual purchase of any such right-of-way shall be done only after an order directing such purchase shall have been entered in the minutes of the commissioners court at any regular or specially called meeting.

SECTION 25. If any member of the commissioners court or any officer of Harrison County, Texas, shall knowingly or willfully violate any of the provisions of this Act he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1000. However, nothing in this section shall be construed to limit any other punishment for actions that may be enforced or taken under the general statutes and laws of the State of Texas, including, but not limited to the action for malfeasance in office and removal from such office for malfeasance in office.

SECTION 26. This Act is and shall be held and construed to be a Public Act of which the courts shall take cognizance without proof thereof, and in any court proceeding wherein the provisions of this Act are drawn in question, the necessary pleading or proving same is hereby dispensed with.

SECTION 27. The provisions of this Act are and shall be held and construed to be cumulative of all general laws of this State on the subject treated and embraced in this Act when not in conflict herewith, but in case of such conflict, in whole or in part, this Act shall control as to Harrison County, Texas.

SECTION 28. Any and all laws and parts of laws in conflict with any of the terms or provisions of this Act shall be and the same are hereby repealed insofar as the same apply to Harrison County, Texas.

SECTION 29. If any provision of the Act shall be held to be void, such invalidity shall not affect the Act beyond the provisions or section so held to be invalid, it being the legislative intention to pass the same irrespective of such provisions or section so invalidated.

SECTION 30. This Act shall become effective 30 days after its final passage unless a petition containing the names of 500 or more qualified voters of Harrison County, Texas, shall have been filed in the office of the County Judge of Harrison County requesting a special election to be held for the purpose of submitting said Act to the electorate of Harrison County for their approval. If such petition shall have been filed on or before 30 days after the final passage of this Act requesting such an election, then no part of this Act shall become effective save and except Section 1 hereof, unless a majority of the electors of Harrison County, Texas, vote for the approval of this Act at a special election provided for herein.

SECTION 31. Within 60 days after the final passage of this Act, the Commissioners Court of Harrison County, Texas, at a regular or specially called meeting shall order a special election, only if petitioned for by 500 qualified voters of Harrison County, for the purpose of submitting said Act to the electorate of Harrison County, Texas, and the ballot for such election shall read:

“FOR the Harrison County Road System created by the 60th Legislature.”

“AGAINST the Harrison County Road System created by the 60th Legislature.”

SECTION 32. Said special election shall be held within a period of not less than 10 days nor more than 45 days from the date of said meeting of the commissioners court at which the same is called.

SECTION 33. All steps to be taken in the ordering and holding of said election, including the giving of notice, canvassing of returns, and announcement of the result of said election, shall be governed by the Acts of 1951, 52nd Legislature, Chapter 492, where applicable.

SECTION 34. The fact that Harrison County, Texas, is now operating under a Road Act that is not in all respects adequate to the needs of the county, and the importance of this measure to the people thereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 20, 1967: Yeas 141, Nays 0.

Passed by the Senate on May 25, 1967: Yeas 31, Nays 0.

Approved June 18, 1967.

Effective June 18, 1967.

