

BILL ANALYSIS

C.S.H.B. 2591
By: Bonnen
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many municipalities within Texas find themselves without the funds necessary to provide for the regular maintenance of deteriorating roads. Counties currently have the authority to make such road improvements and assess the cost to subdivision residents within unincorporated areas of the county.

C.S.H.B. 2591 would provide counties this same authority within incorporated areas of the county. The bill maintains requirements that the county must publish notice of such a proposal, hold a public hearing, and receive majority approval via mail vote by the affected property owners that would be assessed the cost. The bill also provides that a county may only improve a road within a municipality if the governing body of the municipality and the commissioners court agree that the county may make improvements and indicate whether the improved road will become a county road or a municipal road.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2591 removes the restriction that Section 253, Transportation Code (County Improvement of Subdivision Roads) only applies to unincorporated areas of the county. The bill also provides that a county may only improve a road within a municipality if the governing body of the municipality and the commissioners court agree that the county may make improvements and indicate whether the improved road will become a county road or municipal road. Before a county may improve a road located in a municipality, they must meet the other requirements of Section 253.012 and the commissioners court of the county must find that the improvement of the road serves a county purpose.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language specifying that the governing board of the municipality and the commissioners court must agree that the county may improve the road and indicate whether the improved road will become a county road or a municipal road. The substitute requires that the county meet the other requirements of this subchapter and the commissioners court find that the improvement serves a county purpose.