

BILL ANALYSIS

S.B. 802
By: Hegar
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, if a county commissioners court determines that the improvement of a road in a subdivision, or of an access road to a subdivision, is necessary, the commissioners court may assess all or part of the costs of improvement proportionally against the residents of the subdivision, or a portion of the subdivision. Before doing so, notice of the improvement must be published, a public hearing must be held, and a successful referendum must occur. If all those conditions are met, the commissioners court may then implement the proposed improvements. The problem with current law is that a subdivision may fail to satisfy the assessment without penalty. S.B. 802 seeks to correct the problem for Aransas County by providing the commissioners court with the authority to require the payment of interest on assessments.

S.B. 802 amends current law relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Provides that this Act is enacted under the authority of the legislature to pass local laws for the maintenance of public roads and highways under Section 9(e) (relating to passing local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws), Article VIII, Texas Constitution.

SECTION 2. Amends Section 253.008, Transportation Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Creates an exception to this subsection under Subsection (d).

(d) Authorizes the Commissioners Court of Aransas County to require the payment of interest on an assessment.

SECTION 3. Effective date: upon passage or September 1, 2011.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.