

## **BILL ANALYSIS**

Senate Research Center  
78R8582 ATP-D

H.B. 2902  
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Intergovernmental Relations  
5/21/2003  
Engrossed

### **DIGEST AND PURPOSE**

Chapter 253, Transportation Code allows counties to make improvements to roads within subdivisions and assess the costs to the property owners in the subdivision if those property owners vote to pay for the improvements. Section 253.001 clearly states that the chapter applies to part of a subdivision as well. However, Section 253.003, which actually allows a county to propose to make the improvement and assess the costs to property owners, does not specifically indicate that the section is, or is not, applicable to property owners in part of the subdivision. Since Section 253.003 does not repeat the language "part of a subdivision" found in Section 253.001, counties feel that they can act only on a vote of the entire subdivision.

Sometimes only part of a subdivision road needs to be improved. If a majority of the property owners would not benefit from the improvement, it would be unlikely that a vote would pass to assess the costs to all property owners in the subdivision.

H.B. 2902 allows property owners in part of a subdivision to have a road improved by the county and the costs to be assessed only to those property owners who are directly affected by the improvement, after an affirmative vote of those property owners.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 253.003, Transportation Code, to authorize the commissioners court to propose to assess all or part of the costs of the improvement pro rata against the record owners of the real property of the subdivision or a defined part of the subdivision.

SECTION 2. Amends Section 253.006, Transportation Code, to make a conforming change.

SECTION 3. Amends Section 253.007(b), Transportation Code, to make a conforming change.

SECTION 4. Effective date: upon passage or September 1, 2003.