

BILL ANALYSIS

Senate Research Center
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S.B. 1708
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DIGEST AND PURPOSE

Currently, street and drainage improvements in land development subdivisions are constructed by the developer of the subdivision. These improvements are constructed to county standards. During construction, these improvements are inspected and the county conditionally accepts the improvements upon their completion. In order to ensure that the contractor and developer construct the improvements to the highest quality, and for long life, the county maintains a one-year warranty period on the improvements prior to full acceptance by the county.

Occasionally, street and drainage improvements are not properly constructed and deteriorate noticeably within that one-year warranty period. However, the contractor and/or developer may fail to make the necessary repairs. The county has no ability to force the repairs to be made, nor does the county have a mechanism to ensure funding for the repairs on the improvements after the one-year warranty period has passed. As proposed, S.B. 1708 authorizes a commissioners court to require one-year maintenance bonds on improvements in subdivisions that will be maintained in the future by a county in order to ensure proper construction and maintenance of subdivision streets, roads, and drainage.

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 Sections 232.003 and 232.004, Local Government Code, as follows:

Sec. 232.003. Authorizes the commissioners by an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county, to require that the owner of the tract to be subdivided execute a good and sufficient bond to ensure proper construction and maintenance of the streets, roads, and drainage improvements in the subdivision in the manner provided by Section 232.004.

Sec. 232.004. Requires the bond to be in an amount determined by the commissioners court to be adequate to ensure proper construction or maintenance of the roads and streets in and drainage requirements for the subdivision, but not to exceed the estimated cost of construction or maintenance of the roads, streets, and drainage requirements. Requires a bond under Section 232.003(8), in addition to the requirements set out by this section, to be in an amount to which the owner and the commissioners court agree is adequate to ensure proper maintenance of the streets, roads, and drainage improvements in the subdivision for a certain period.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.