

SUBJECT: Allowing multiple county assistance districts per commissioners' precinct

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 6 ayes — Coleman, Farias, Hunter, Kolkhorst, Krause, Stickland
1 nays — Simpson
2 absent — M. González, Hernandez Luna

SENATE VOTE: On final passage, April 25 — 30-0, on the Local and Uncontested Calendar

WITNESSES: (*On the companion bill, HB 3795:*)
For — Trey Lary, Fort Bend County; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify:* Maricela De Leon, Fort Bend County; Jim Short, Fort Bend County)

Against — None

BACKGROUND: Local Government Code, ch. 387 establishes rules and regulations governing county assistance districts (CADs). A county commissioners court is empowered to call an election to create a CAD and levy a sales and use tax to:

- build, maintain, and improve roads;
- provide law enforcement and detention services;
- maintain and improve libraries, parks, museums, and other recreational facilities;
- provide services beneficial to public safety and health, including fire control and prevention; or
- promote economic development and tourism.

More than one county assistance district may be created in a county, but not more than one district may be created in a commissioners' precinct.

DIGEST: SB 1167 would delete a provision limiting county assistance districts to no more than one per county commissioners' precinct.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 1167 is necessary to correct an arbitrary and unnecessary restriction on county assistance districts. CADs are generally established in unincorporated areas with a need for basic public services, such as roads and traffic enforcement. A bill enacted by the 82nd Legislature in 2011 revised provisions governing CADs in a way that the authors did not envision, with the effect that only one district may be created per precinct.

Special districts, and CADs in particular, are necessary because often they are the only way for residents to finance core public services that benefit everyone. The prohibition in current law has, in at least one instance, interfered with plans for a CAD. CADs must be established through a majority vote of the residents affected, and residents should be able to decide for themselves how to provide basic government services.

There is broad agreement and little controversy in the 83rd Legislature about the need to remove this restriction on the number of CADs that may be established in a county commissioners' precinct. SB 1167 passed the Senate on the Local and Uncontested Calendar. The House companion bill, HB 3795 by Coleman, passed the House on the Local, Consent, and Resolutions Calendar, and has been recommended for the Local and Uncontested Calendar by the Senate Intergovernmental Relations Committee.

**OPPONENTS
SAY:**

There is already a great abundance of special districts and taxing entities in the state. Removing the maximum requirement of one CAD per precinct would further increase the number of these districts around the state. CADs have taxing authority and they can be established to finance a wide range of projects. Standing by principles of limited government requires pulling in the reins on tax-and-spend authority at all levels.