

- SUBJECT:** Authorizing county tax assessor-collector to collect a certain fee
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 6 ayes — Coleman, Farias, Burrows, Romero, Tinderholt, Wu
- 2 nays — Spitzer, Stickland
- 1 absent — Schubert
- SENATE VOTE:** On final passage, May 6 — 26-5 (Bettencourt, Burton, Hall, Perry, V. Taylor)
- WITNESSES:** *(On House companion bill, HB 3002)*
- For — Emma Alaniz, Daniel Diaz, and Jose Luis Juarez, La Union del Pueblo Entero; John Henneberger, Texas Low Income Housing Information Service; *(Registered, but not testifying:* Eduardo Cantu, Hidalgo County Precinct 2; Arturo Cuellar, Hidalgo County Precinct 1; Joe Flores, Hidalgo County Precinct 3; Ramon Garcia, Hidalgo County; Jess Heck, Texas Family Council; Donald Lee, Texas Conference of Urban Counties; Joseph Palacios, Hidalgo County Precinct 4; Josue Ramirez, Texas Low Income Housing Information Service)
- Against — *(Registered, but not testifying:* Clarence Clark)
- BACKGROUND:** Transportation Code, sec. 280.003 authorizes the commissioners courts of certain counties to provide for the establishment of street lights along a county road located in a subdivision. Commissioners courts can authorize the collection of a fee by the county or another public or private entity with which the county may contract. The section applies only to the unincorporated area of a county that has any of its territory located within 150 miles of an international boundary.
- DIGEST:** CSSB 1950 would specify that in a county where a fee was imposed for street lights on a county road, the county tax assessor-collector would collect the fee. The county tax assessor-collector would be required to

include the fee in the property tax bill for each landowner whose real property benefited from the street lights.

The tax bill would be required to state separately the amount of the fee. The county tax assessor-collector would collect the fee in the same manner as the property taxes for the county.

The bill would take effect September 1, 2015, and would not apply to a fee imposed by a county before that date.

**SUPPORTERS
SAY:**

CSSB 1950 would provide an effective method of collecting fees to install street lights in unincorporated areas of counties known as colonias. A county's authority to impose this fee exists already, but the collection method is unclear. The bill would help counties provide a safer and healthier environment for these areas.

The bill would apply to all unincorporated areas of counties within 150 miles of the border because the definition of colonias varies and this is the best way to ensure all areas that suffer from the same problems of poor infrastructure benefit from this service.

**OPPONENTS
SAY:**

CSSB 1950 would grant counties the implied authority to place a lien on properties whose owners failed to pay a fee. While the express language for this authority was removed from the committee substitute, the bill would specify that the fee would be collected in the same manner as property taxes. Unpaid property taxes can result in a lien against property, meaning that an unpaid fee could result in a lien under this bill.

The bill is too expansive because it would extend to all unincorporated areas of counties within 150 miles of the border. The bill should apply to an individual county, not grant broad authority to numerous counties.

NOTES:

CSSB 1950 would differ from the bill as engrossed by the Senate in that it would remove provisions specifying that a commissioners court could obtain a lien against real property to secure payment of the fee.