BILL ANALYSIS

Senate Research Center   S.B. 1425
                                                                                         By: Nelson
                                                                          Intergovernmental Relations
                                                                                           4-21-97
                                                                                          As Filed

DIGEST

Currently, Texas law requires that an election must be conducted within the boundaries of a county development district (district) to confirm creation of a County Development District (CDD) or approve a sales and use tax. CDD boundaries may or may not include inhabited property. In this case, the petitioner must ensure that someone inhabits the property in a manner that meets election law requirements in order to comply with the law. In other cases, the property may be inhabited by as few as one resident. S.B. 1425 would require that in districts with fewer than 100 inhabitants a district confirmation or sales and use tax election must be conducted including registered voters in the entire county commissioner precinct in which the district is located.

PURPOSE

As proposed, S.B. 1425 outlines provisions regarding approval by voters of the establishment of certain county development districts.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1.   Amends Section 312.613, Tax Code, to require the temporary board of directors to conduct an election that includes registered voters residing within the entire county commissioner precinct in which a county development district created under this subchapter (district) is located if the proposed district has fewer than 100 registered voters residing within its boundaries.

SECTION 2.   Amends Section 312.637(a), Tax Code, to authorize the district to levy a sales and use tax for the benefit of the district only of authorized by a majority of the qualified voters residing within the entire county commissioner precinct in which the district is located if the proposed district has fewer than 100 registered voters residing within its boundaries.

SECTION 3.   Makes application of this Act prospective.

SECTION 4.   Emergency clause.
             Effective date: upon passage.