

By: Cain

H.B. No. 5

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reducing school district maintenance and operations ad
3 valorem taxes through the use of certain surplus state revenue.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48.255, Education Code, is amended by
6 amending Subsection (b) and adding Subsections (d) and (e) to read
7 as follows:

8 (b) Subject to Subsection (d), the [~~The~~] state compression
9 percentage is the lower of:

10 (1) 93 percent, or a lower percentage set by
11 appropriation for a school year;

12 (2) the percentage determined by the following
13 formula:

14
$$SCP = PYCP \times 1.025 / (1 + ECPV); \text{ or}$$

15 (3) the percentage determined under this section for
16 the preceding school year.

17 (d) For each school year, the commissioner shall reduce the
18 state compression percentage determined under Subsection (b) to the
19 lowest percentage possible as a result of:

20 (1) money deposited to the credit of the property tax
21 relief fund under Section 403.109(e), Government Code; and

22 (2) any additional money appropriated for purposes of
23 this subsection.

24 (e) Notwithstanding any other provision, if for any school

1 year the commissioner determines under Subsection (b) or (d) that
2 the state compression percentage is zero:

3 (1) a school district may not impose a tier one
4 maintenance and operations tax for that school year or for any
5 subsequent school year; and

6 (2) each school district is entitled to funding under
7 Chapter 46 and this chapter for each school year as if the district
8 had:

9 (A) a tier one maintenance and operations tax
10 rate equal to the district's maximum compressed tax rate determined
11 under Section 48.2551; and

12 (B) no local share for purposes of Section
13 48.256.

14 SECTION 2. Section 403.109, Government Code, is amended by
15 adding Subsections (e) and (f) to read as follows:

16 (e) For each state fiscal biennium beginning before a
17 determination by the commissioner of education under Section
18 48.255(e), Education Code, the comptroller shall:

19 (1) allocate for deposit to the credit of the fund
20 general revenue in an amount equal to 90 percent of the amount by
21 which the amount of general revenue received in that biennium
22 exceeds the amount of consolidated general revenue appropriations,
23 as defined by Section 316.001, that could be appropriated within
24 the limit on the rate of growth of those appropriations adopted
25 under Section 316.005 for that biennium; and

26 (2) periodically deposit to the credit of the fund the
27 general revenue allocated under Subdivision (1), with the final

1 deposit for that biennium to be made not later than the 90th day of
2 the next state fiscal biennium.

3 (f) Notwithstanding any other provision of this section,
4 except as otherwise provided by this subsection, money deposited to
5 the credit of the fund under Subsection (e) may be appropriated only
6 to the Texas Education Agency for use in providing property tax
7 relief through reduction of the state compression percentage, as
8 defined by Section 48.255, Education Code. If the amount of money
9 available to be appropriated under this subsection for a state
10 fiscal biennium exceeds the amount of school district maintenance
11 and operations taxes the commissioner of education estimates to be
12 payable for that biennium, the legislature may appropriate the
13 surplus amount for any purpose.

14 SECTION 3. This Act applies beginning with the state fiscal
15 biennium beginning September 1, 2023.

16 SECTION 4. This Act takes effect on the 91st day after the
17 last day of the legislative session.