

By: Harrison

H.B. No. 105

A BILL TO BE ENTITLED

AN ACT

relating to the calculation of certain ad valorem tax rates of a taxing unit and the manner in which a proposed ad valorem tax rate that exceeds the voter-approval tax rate is approved; making conforming changes.

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

SECTION 1. Section 48.202(f), Education Code, is amended to read as follows:

(f) For a school year in which the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") under Subsection (a-1)(2) exceeds the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") under Subsection (a-1)(2) for the preceding school year, a school district shall reduce the district's tax rate under Section 45.0032(b)(2) for the tax year that corresponds to that school year to a rate that results in the amount of state and local funds per weighted student per cent of tax effort available to the district at the dollar amount guaranteed level for the preceding school year. A school district is not entitled to the amount equal to the increase of revenue described by this subsection for the school year for which the district must reduce the district's tax rate. For ~~[Unless Section 26.042(e), Tax Code, applies to the district, for]~~ a tax year in which a district must reduce the district's tax rate under this subsection, the

1 district may not increase the district's maintenance and operations  
2 tax rate to a rate that exceeds the maximum maintenance and  
3 operations tax rate permitted under Section 45.003(d) or (f), as  
4 applicable, minus the reduction of tax effort required under this  
5 subsection. This subsection does not apply if the amount of state  
6 funds appropriated for a school year specifically excludes the  
7 amount necessary to provide the dollar amount guaranteed level of  
8 state and local funds per weighted student per cent of tax effort  
9 under Subsection (a-1)(2).

10 SECTION 2. Section 3828.157, Special District Local Laws  
11 Code, is amended to read as follows:

12 Sec. 3828.157. INAPPLICABILITY OF CERTAIN TAX CODE  
13 PROVISIONS. Sections 26.04, [~~26.042~~] 26.05, and 26.07, [~~and~~  
14 ~~26.075~~] Tax Code, do not apply to a tax imposed under Section  
15 3828.153 or 3828.156.

16 SECTION 3. Section 8876.152(a), Special District Local Laws  
17 Code, is amended to read as follows:

18 (a) Sections 26.04, [~~26.042~~] 26.05, 26.06, 26.061, and  
19 26.07, [~~and 26.075~~] Tax Code, do not apply to a tax imposed by the  
20 district.

21 SECTION 4. Section 26.012(3), Tax Code, is amended to read  
22 as follows:

23 (3) "Current debt service" means the minimum dollar  
24 amount required to be expended for debt service for the current  
25 year.

26 SECTION 5. Section 26.04(c), Tax Code, is amended to read as  
27 follows:

(c) After the assessor for the taxing unit submits the appraisal roll for the taxing unit to the governing body of the taxing unit as required by Subsection (b), an officer or employee designated by the governing body shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit, where:

(1) "No-new-revenue tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

NO-NEW-REVENUE TAX RATE = (LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)

; and

(2) "Voter-approval tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following ~~[applicable]~~ formula:

~~[(A) for a special taxing unit:]~~

VOTER-APPROVAL TAX RATE = [~~+~~]NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE [~~x 1.03~~] + CURRENT DEBT RATE

~~[, or~~

~~[(B) for a taxing unit other than a special~~

~~taxing unit:]~~

~~[VOTER-APPROVAL TAX RATE = (NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE x 1.035) + (CURRENT DEBT RATE + UNUSED INCREMENT RATE)]~~

SECTION 6. Sections 26.041(a), (b), and (c), Tax Code, are amended to read as follows:

(a) In the first year in which an additional sales and use tax is required to be collected, the no-new-revenue tax rate and

1 voter-approval tax rate for the taxing unit are calculated  
2 according to the following formulas:

3 NO-NEW-REVENUE TAX RATE = [(LAST  
4 YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL  
5 VALUE - NEW PROPERTY VALUE)] - SALES TAX GAIN RATE

6 and

7 VOTER-APPROVAL TAX RATE [~~FOR SPECIAL~~  
8 ~~TAXING UNIT~~] = [~~(~~]NO-NEW-REVENUE MAINTENANCE AND  
9 OPERATIONS RATE [~~x 1.08~~] + [~~(~~]CURRENT DEBT RATE -  
10 SALES TAX GAIN RATE [~~)~~

11 [~~or~~

12 [~~VOTER-APPROVAL TAX RATE FOR TAXING~~  
13 ~~UNIT OTHER THAN SPECIAL TAXING UNIT - (NO-NEW-REVENUE~~  
14 ~~MAINTENANCE AND OPERATIONS RATE x 1.035) + (CURRENT~~  
15 ~~DEBT RATE + UNUSED INCREMENT RATE - SALES TAX GAIN~~  
16 ~~RATE)~~]

17 where "sales tax gain rate" means a number expressed in dollars per  
18 \$100 of taxable value, calculated by dividing the revenue that will  
19 be generated by the additional sales and use tax in the following  
20 year as calculated under Subsection (d) by the current total value.

21 (b) Except as provided by Subsections (a) and (c), in a year  
22 in which a taxing unit imposes an additional sales and use tax, the  
23 voter-approval tax rate for the taxing unit is calculated according  
24 to the following formula, regardless of whether the taxing unit  
25 levied a property tax in the preceding year:

26 VOTER-APPROVAL TAX RATE [~~FOR SPECIAL~~  
27 ~~TAXING UNIT~~] = [[~~(~~]LAST YEAR'S MAINTENANCE AND

1 OPERATIONS EXPENSE [~~\* 1.08~~)] / (CURRENT TOTAL VALUE -  
 2 NEW PROPERTY VALUE)] + (CURRENT DEBT RATE - SALES TAX  
 3 REVENUE RATE)

4 [~~or~~

5 [~~VOTER-APPROVAL TAX RATE FOR TAXING~~  
 6 ~~UNIT OTHER THAN SPECIAL TAXING UNIT - [(LAST YEAR'S~~  
 7 ~~MAINTENANCE AND OPERATIONS EXPENSE \* 1.035) / (CURRENT~~  
 8 ~~TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT RATE~~  
 9 ~~+ UNUSED INCREMENT RATE - SALES TAX REVENUE RATE)]~~

10 where "last year's maintenance and operations expense" means the  
 11 amount spent for maintenance and operations from property tax and  
 12 additional sales and use tax revenues in the preceding year, and  
 13 "sales tax revenue rate" means a number expressed in dollars per  
 14 \$100 of taxable value, calculated by dividing the revenue that will  
 15 be generated by the additional sales and use tax in the current year  
 16 as calculated under Subsection (d) by the current total value.

17 (c) In a year in which a taxing unit that has been imposing  
 18 an additional sales and use tax ceases to impose an additional sales  
 19 and use tax, the no-new-revenue tax rate and voter-approval tax  
 20 rate for the taxing unit are calculated according to the following  
 21 formulas:

22 NO-NEW-REVENUE TAX RATE = [(LAST  
 23 YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL  
 24 VALUE - NEW PROPERTY VALUE)] + SALES TAX LOSS RATE

25 and

26 VOTER-APPROVAL TAX RATE [~~FOR SPECIAL~~  
 27 ~~TAXING UNIT~~] = [(~~+~~)LAST YEAR'S MAINTENANCE AND

OPERATIONS EXPENSE [~~\* 1.08~~)] / (CURRENT TOTAL VALUE -  
 NEW PROPERTY VALUE)] + CURRENT DEBT RATE  
~~[or~~  
~~[VOTER-APPROVAL TAX RATE FOR TAXING~~  
~~UNIT OTHER THAN SPECIAL TAXING UNIT = [(LAST YEAR'S~~  
~~MAINTENANCE AND OPERATIONS EXPENSE x 1.035) / (CURRENT~~  
~~TOTAL VALUE - NEW PROPERTY VALUE)] + (CURRENT DEBT RATE~~  
~~+ UNUSED INCREMENT RATE)]~~

where "sales tax loss rate" means a number expressed in dollars per  
 \$100 of taxable value, calculated by dividing the amount of sales  
 and use tax revenue generated in the last four quarters for which  
 the information is available by the current total value and "last  
 year's maintenance and operations expense" means the amount spent  
 for maintenance and operations from property tax and additional  
 sales and use tax revenues in the preceding year.

SECTION 7. Section 26.07(b), Tax Code, is amended to read as  
 follows:

(b) If the governing body of a ~~[special]~~ taxing unit ~~[or a~~  
~~municipality with a population of 30,000 or more]~~ adopts a tax rate  
 that exceeds the taxing unit's voter-approval tax rate, ~~[or the~~  
~~governing body of a taxing unit other than a special taxing unit or~~  
~~a municipality with a population of less than 30,000 regardless of~~  
~~whether it is a special taxing unit adopts a tax rate that exceeds~~  
~~the greater of the taxing unit's voter-approval tax rate or de~~  
~~minimis rate,~~] the registered voters of the taxing unit at an  
 election held for that purpose must determine whether to approve  
 the adopted tax rate.

SECTION 8. Sections 31.12(a) and (b), Tax Code, are amended to read as follows:

(a) If a refund of a tax provided by Section 11.431(b), 26.07(g), ~~[26.075(k)]~~, 26.15(f), 31.11, 31.111, or 31.112 is paid on or before the 60th day after the date the liability for the refund arises, no interest is due on the amount refunded. If not paid on or before that 60th day, the amount of the tax to be refunded accrues interest at a rate of one percent for each month or part of a month that the refund is unpaid, beginning with the date on which the liability for the refund arises.

(b) For purposes of this section, liability for a refund arises:

(1) if the refund is required by Section 11.431(b), on the date the chief appraiser notifies the collector for the taxing unit of the approval of the late homestead exemption;

(2) if the refund is required by Section 26.07(g) ~~[or 26.075(k)]~~, on the date the results of the election to approve ~~[or reduce]~~ the tax rate ~~[, as applicable]~~ are certified;

(3) if the refund is required by Section 26.15(f):

(A) for a correction to the tax roll made under Section 26.15(b), on the date the change in the tax roll is certified to the assessor for the taxing unit under Section 25.25; or

(B) for a correction to the tax roll made under Section 26.15(c), on the date the change in the tax roll is ordered by the governing body of the taxing unit;

(4) if the refund is required by Section 31.11, on the

1 date the auditor for the taxing unit determines that the payment was  
2 erroneous or excessive or, if the amount of the refund exceeds the  
3 applicable amount specified by Section 31.11(a), on the date the  
4 governing body of the taxing unit approves the refund;

5 (5) if the refund is required by Section 31.111, on the  
6 date the collector for the taxing unit determines that the payment  
7 was erroneous; or

8 (6) if the refund is required by Section 31.112, on the  
9 date required by Section 31.112(d) or (e), as applicable.

10 SECTION 9. Section 33.08(b), Tax Code, is amended to read as  
11 follows:

12 (b) The governing body of the taxing unit or appraisal  
13 district, in the manner required by law for official action, may  
14 provide that taxes that become delinquent on or after June 1 under  
15 Section [~~26.075(j)~~] 26.15(e), 31.03, 31.031, 31.032, 31.033,  
16 31.04, or 42.42 incur an additional penalty to defray costs of  
17 collection. The amount of the penalty may not exceed the amount of  
18 the compensation specified in the applicable contract with an  
19 attorney under Section 6.30 to be paid in connection with the  
20 collection of the delinquent taxes.

21 SECTION 10. Section 49.057, Water Code, is amended by  
22 amending Subsection (b) and adding Subsection (j) to read as  
23 follows:

24 (b) The board shall adopt an annual budget. The board of a  
25 developed district[~~, as defined by Section 49.23602,~~] shall include  
26 as an appendix to the budget the district's:

27 (1) audited financial statements;



(2) bond transcripts; and

(3) engineer's reports required by Section 49.106.

(j) In this section, "developed district" means a district that has financed, completed, and issued bonds to pay for all land, works, improvements, facilities, plants, equipment, and appliances necessary to serve at least 95 percent of the projected build-out of the district in accordance with the purposes for its creation or the purposes authorized by the constitution, this code, or any other law.

SECTION 11. Section 49.107(g), Water Code, is amended to read as follows:

(g) Sections 26.04, [~~26.042~~] 26.05, 26.061, and 26.07, [~~and 26.075~~] Tax Code, do not apply to a tax levied and collected under this section or an ad valorem tax levied and collected for the payment of the interest on and principal of bonds issued by a district.

SECTION 12. Section 49.108(f), Water Code, is amended to read as follows:

(f) Sections 26.04, [~~26.042~~] 26.05, 26.061, and 26.07, [~~and 26.075~~] Tax Code, do not apply to a tax levied and collected for payments made under a contract approved in accordance with this section.

SECTION 13. Section 49.236(a), Water Code, is amended to read as follows:

(a) Before the board adopts an ad valorem tax rate for the district for debt service, operation and maintenance purposes, or contract purposes, the board shall give notice of each meeting of

the board at which the adoption of a tax rate will be considered.

The notice must:

(1) contain a statement in substantially the following form:

"NOTICE OF PUBLIC HEARING ON TAX RATE

"The (name of the district) will hold a public hearing on a proposed tax rate for the tax year (year of tax levy) on (date and time) at (meeting place). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the tax rate that is adopted and on the change in the taxable value of your property in relation to the change in taxable value of all other property. The change in the taxable value of your property in relation to the change in the taxable value of all other property determines the distribution of the tax burden among all property owners.

"Visit [Texas.gov/PropertyTaxes](http://Texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

"(Names of all board members and, if a vote was taken, an indication of how each voted on the proposed tax rate and an indication of any absences.)";

(2) contain the following information:

(A) the district's total adopted tax rate for the preceding year and the proposed tax rate, expressed as an amount per \$100;

1                   (B) the difference, expressed as an amount per  
2 \$100 and as a percent increase or decrease, as applicable, in the  
3 proposed tax rate compared to the adopted tax rate for the preceding  
4 year;

5                   (C) the average appraised value of a residence  
6 homestead in the district in the preceding year and in the current  
7 year; the district's total homestead exemption, other than an  
8 exemption available only to disabled persons or persons 65 years of  
9 age or older, applicable to that appraised value in each of those  
10 years; and the average taxable value of a residence homestead in the  
11 district in each of those years, disregarding any homestead  
12 exemption available only to disabled persons or persons 65 years of  
13 age or older;

14                   (D) the amount of tax that would have been  
15 imposed by the district in the preceding year on a residence  
16 homestead appraised at the average appraised value of a residence  
17 homestead in that year, disregarding any homestead exemption  
18 available only to disabled persons or persons 65 years of age or  
19 older;

20                   (E) the amount of tax that would be imposed by the  
21 district in the current year on a residence homestead appraised at  
22 the average appraised value of a residence homestead in that year,  
23 disregarding any homestead exemption available only to disabled  
24 persons or persons 65 years of age or older, if the proposed tax  
25 rate is adopted;

26                   (F) the difference between the amounts of tax  
27 calculated under Paragraphs (D) and (E), expressed in dollars and

cents and described as the annual percentage increase or decrease, as applicable, in the tax to be imposed by the district on the average residence homestead in the district in the current year if the proposed tax rate is adopted; and

(G) if the proposed combined debt service, operation and maintenance, and contract tax rate requires ~~[or authorizes]~~ an election to approve ~~[or reduce]~~ the tax rate, ~~[as applicable,]~~ a description of the purpose of the proposed tax increase;

(3) contain a statement in substantially the following form~~[, as applicable:]~~:

~~[(A) if the district is a district described by Section 49.23601]:~~

"NOTICE OF VOTE ON TAX RATE

"If the district adopts a combined debt service, operation and maintenance, and contract tax rate that would result in the taxes on the average residence homestead increasing from the preceding year ~~[by more than eight percent]~~, an election must be held to determine whether to approve the operation and maintenance tax rate under Section 49.23601, Water Code.";

~~[(B) if the district is a district described by Section 49.23602:]~~

~~["NOTICE OF VOTE ON TAX RATE~~

~~["If the district adopts a combined debt service, operation and maintenance, and contract tax rate that would result in the taxes on the average residence homestead increasing by more than 3.5 percent, an election must be held to determine whether to~~

~~approve the operation and maintenance tax rate under Section 49.23602, Water Code."~~; or

~~[(C) if the district is a district described by Section 49.23603.~~

~~["NOTICE OF TAXPAYERS' RIGHT TO ELECTION TO REDUCE TAX RATE~~

~~["If the district adopts a combined debt service, operation and maintenance, and contract tax rate that would result in the taxes on the average residence homestead increasing by more than eight percent, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the voter-approval tax rate under Section 49.23603, Water Code."], and~~

(4) include the following statement: "The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.".

SECTION 14. The heading to Section 49.23601, Water Code, is amended to read as follows:

Sec. 49.23601. AUTOMATIC ELECTION TO APPROVE TAX RATE ~~[FOR LOW TAX RATE DISTRICTS]~~.

SECTION 15. Sections 49.23601(a) and (c), Water Code, are amended to read as follows:

(a) In this section, "voter-approval tax rate" means the rate equal to the sum of the following tax rates for the district:

- (1) the current year's debt service tax rate;
- (2) the current year's contract tax rate; and
- (3) the operation and maintenance tax rate that would

impose [~~1.08 times~~] the amount of [~~the~~] operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older.

(c) If the board of a district adopts a combined debt service, contract, and operation and maintenance tax rate that would impose more than [~~1.08 times~~] the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, an election must be held in accordance with the procedures provided by Sections 26.07(c)-(g), Tax Code, to determine whether to approve the adopted tax rate. If the adopted tax rate is not approved at the election, the district's tax rate is the voter-approval tax rate.

SECTION 16. The following provisions are repealed:

- (1) Section 45.0032(d), Education Code;
- (2) Section 120.007(d), Local Government Code;
- (3) Sections 26.012(8-a) and (19), Tax Code;
- (4) Section 26.013, Tax Code;
- (5) Section 26.042, Tax Code;
- (6) Section 26.0501(c), Tax Code;
- (7) Section 26.063, Tax Code;
- (8) Section 26.075, Tax Code;

1           (9) Section 49.23601(b), Water Code;

2           (10) Section 49.23602, Water Code; and

3           (11) Section 49.23603, Water Code.

4           SECTION 17. This Act applies only to ad valorem taxes  
5 imposed for an ad valorem tax year that begins on or after the  
6 effective date of this Act.

7           SECTION 18. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect on the 91st day after the last day of  
12 the legislative session.