

Suspending limitations on conference committee  
jurisdiction, H.B. No. 828 (Hochberg/Shapiro)

By: Shapiro

S.R. No. 1189

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 80th Legislature, Regular Session, 2007, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 828 (computation of certain amounts under the Foundation School Program) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (3) are suspended to add text to Subsection (b), Section 42.2516, Education Code, to read as follows:

(b) Subject to Subsections (b-2), (f-1), (g), and (h), but notwithstanding any other provision of this title, a school district is entitled to state revenue necessary to provide the district with the sum of:

Explanation: This change is necessary to permit the adjustment of the additional state funding for property tax relief to which a school district is entitled under the Foundation School Program to reflect actions taken by the district regarding tax abatements and tax increment reinvestment zones.

(2) Senate Rule 12.03(4) is suspended to add Subsections (f-1), (f-2), and (f-3), Section 42.2516, Education Code, to read as follows:

(f-1) The commissioner shall, in accordance with rules adopted by the commissioner, adjust the amount of a school district's local revenue derived from maintenance and operations tax collections, as calculated for purposes of determining the amount of state revenue to which the district is entitled under this section, if the district, for the 2007 tax year or a subsequent tax year:

(1) adopts an exemption under Section 11.13(n), Tax Code, that was not in effect for the 2005 or 2006 tax year, or eliminates an exemption under Section 11.13(n), Tax Code, that was in effect for the 2005 or 2006 tax year;

(2) adopts an exemption under Section 11.13(n), Tax Code, at a greater or lesser percentage than the percentage in effect for the district for the 2005 or 2006 tax year;

(3) grants an exemption under an agreement authorized by Chapter 312, Tax Code, that was not in effect for the 2005 or 2006 tax year, or ceases to grant an exemption authorized by that chapter that was in effect for the 2005 or 2006 tax year; or

(4) agrees to deposit taxes into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan that was not in effect for the 2005 or 2006 tax year, or ceases depositing taxes into a tax increment fund created under that chapter under a reinvestment zone financing plan that was in effect for the 2005 or 2006 tax year.

(f-2) The rules adopted by the commissioner under Subsection (f-1) must:

(1) require the commissioner to determine, as if this section did not exist, the effect under Chapter 41 and this chapter of a school district's action described by Subsection (f-1)(1), (2), (3), or (4) on the total state revenue to which the district would be entitled or the cost to the district of purchasing sufficient attendance credits to reduce the district's wealth per student to the equalized wealth level; and

(2) require an increase or reduction in the amount of state revenue to which a school district is entitled under Subsection (b) that is substantially equivalent to any change in total state revenue or the cost of purchasing attendance credits that would apply to the district if this section did not exist.

(f-3) An adjustment made by the commissioner under the rules adopted under Subsection (f-1) is final and may not be appealed.

Explanation: This change is necessary to permit the adjustment of the additional state funding for property tax relief to which a school district is entitled under the Foundation School Program to reflect actions taken by the district regarding tax abatements and tax increment reinvestment zones.

(3) Senate Rule 12.03(1) is suspended to add text to the introductory language in SECTION 2 of the conference committee report, amending Subsection (a-1), Section 42.302, Education Code, to read as follows:

SECTION 2. Effective September 1, 2010, Section 42.302(a-1), Education Code, is amended to read as follows:

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Explanation: This change is necessary to make the amendment to Subsection (a-1), Section 42.302, Education Code, take effect September 1, 2010.

(4) Senate Rule 12.03(1) is suspended to add text to SECTION 3 of the conference committee report, containing the effective date of the bill, to read as follows:

SECTION 3. Except as otherwise provided by this Act, this Act takes effect September 1, 2007.

Explanation: This change is necessary to make the amendment to Subsection (a-1), Section 42.302, Education Code, take effect September 1, 2010.

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President of the Senate

I hereby certify that the  
above Resolution was adopted by  
the Senate on May 27, 2007.

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Secretary of the Senate