

By: Dominguez

H.B. No. 4043

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a temporary exemption from the requirements regarding
3 voter approval of a proposed ad valorem tax rate that exceeds a
4 taxing unit's rollback tax rate following a disaster.

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

6 SECTION 1. Section 26.07, Tax Code, is amended by adding
7 Subsection (a-1) to read as follows:

8 (a-1) Notwithstanding the other provisions of this section,
9 the governing body of a taxing unit may adopt a tax rate that
10 exceeds the rollback tax rate calculated as provided by this
11 chapter without being required to hold an election under this
12 section if any part of the taxing unit is located in an area
13 declared a disaster area during the 2017 tax year or a subsequent
14 tax year by the governor or by the president of the United States.
15 This subsection applies to the tax rate adopted by the governing
16 body of a taxing unit for the tax year in which the disaster is
17 declared and for the following 10 tax years.

18 SECTION 2. Section 26.08, Tax Code, is amended by amending
19 Subsection (a) and adding Subsection (a-1) to read as follows:

20 (a) If the governing body of a school district adopts a tax
21 rate that exceeds the district's rollback tax rate, the registered
22 voters of the district at an election held for that purpose must
23 determine whether to approve the adopted tax rate. [~~When increased~~
24 ~~expenditure of money by a school district is necessary to respond to~~

1 ~~a disaster, including a tornado, hurricane, flood, or other~~
2 ~~calamity, but not including a drought, that has impacted a school~~
3 ~~district and the governor has requested federal disaster assistance~~
4 ~~for the area in which the school district is located, an election is~~
5 ~~not required under this section to approve the tax rate adopted by~~
6 ~~the governing body for the year following the year in which the~~
7 ~~disaster occurs.]~~

8 (a-1) Notwithstanding the other provisions of this section,
9 the governing body of a school district may adopt a tax rate that
10 exceeds the rollback tax rate calculated as provided by this
11 section without being required to hold an election under this
12 section if any part of the school district is located in an area
13 declared a disaster area during the 2017 tax year or a subsequent
14 tax year by the governor or by the president of the United States.
15 This subsection applies to the tax rate adopted by the governing
16 body of a school district for the tax year in which the disaster is
17 declared and for the following 10 tax years.

18 SECTION 3. Section 49.236, Water Code, as added by Chapter
19 335 (S.B. 392), Acts of the 78th Legislature, Regular Session,
20 2003, is amended by adding Subsection (e) to read as follows:

21 (e) Notwithstanding the other provisions of this section,
22 the governing body of a district may adopt a tax rate that exceeds
23 the combined debt service, operation and maintenance, and contract
24 tax rate that would impose more than 1.08 times the amount of tax
25 imposed by the district in the preceding year on a residence
26 homestead appraised at the average appraised value of a residence
27 homestead in the district in that year, disregarding any homestead

1 exemption available only to disabled persons or persons 65 years of
2 age or older, without being required to hold an election under this
3 section if any part of the district is located in an area declared a
4 disaster area during the 2017 tax year or a subsequent tax year by
5 the governor or by the president of the United States. This
6 subsection applies to the tax rate adopted by the governing body of
7 a district for the tax year in which the disaster is declared and
8 for the following 10 tax years.

9 SECTION 4. The changes in law made by this Act apply to the
10 ad valorem tax rate of a taxing unit beginning with the 2020 tax
11 year.

12 SECTION 5. This Act takes effect January 1, 2020.