

By: Burrows

H.C.R. No. 192

CONCURRENT RESOLUTION

1 WHEREAS, Senate Bill No. 2 has been adopted by the senate and
2 the house of representatives and is being prepared for enrollment;
3 and

4 WHEREAS, The bill contains technical errors that should be
5 corrected; now, therefore, be it

6 RESOLVED by the 86th Legislature of the State of Texas, That
7 the enrolling clerk of the senate be instructed to make the
8 following corrections to the enrolled version of Senate Bill No. 2:

9 (1) In SECTION 52 of the bill, in added Section
10 26.075(b)(2)(A), Tax Code (page 87, line 7), between "(A)" and
11 "lower than", insert "equal to or".

12 (2) In SECTION 56 of the bill, in added Section 26.16(d-2),
13 Tax Code (page 93, line 9), strike "Not later than August 7" and
14 substitute "By August 7 or as soon thereafter as practicable".

15 (3) In SECTION 88 of the bill, strike amended Section
16 49.236(a)(3), Water Code, as added by Chapter 335 (S.B. 392), Acts
17 of the 78th Legislature, Regular Session, 2003 (page 131, line 27,
18 through page 132, line 26), and substitute the following:

19 (3) contain a statement in substantially the following
20 form, as applicable:

21 (A) if the district is a district described by
22 Section 49.23601:

23 "NOTICE OF VOTE ON TAX RATE [~~TAXPAYERS' RIGHT TO ROLLBACK ELECTION~~]

24 "If the district adopts a combined debt service, operation

1 and maintenance, and contract tax rate that would result in the
2 taxes on the average residence homestead increasing [increase] by
3 more than eight percent, [~~the qualified voters of the district by~~
4 ~~petition may require that~~] an election must be held to determine
5 whether to approve [~~reduce~~] the operation and maintenance tax rate
6 [~~to the rollback tax rate~~] under Section 49.23601 [~~49.236(d)~~],
7 Water Code.";

8 (B) if the district is a district described by
9 Section 49.23602:

10 "NOTICE OF VOTE ON TAX RATE

11 "If the district adopts a combined debt service, operation
12 and maintenance, and contract tax rate that would result in the
13 taxes on the average residence homestead increasing by more than
14 3.5 percent, an election must be held to determine whether to
15 approve the operation and maintenance tax rate under Section
16 49.23602, Water Code."; or

17 (C) if the district is a district described by
18 Section 49.23603:

19 "NOTICE OF TAXPAYERS' RIGHT TO ELECTION TO REDUCE TAX RATE

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

27 (4) In SECTION 89 of the bill, strike added Section

1 49.23601(c), Water Code (page 133, line 24, through page 134, line
2 2), and substitute the following:

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

15 (5) In SECTION 89 of the bill, strike added Section
16 49.23602, Water Code (page 134, line 3, through page 135, line 22),
17 and substitute the following:

18 Sec. 49.23602. AUTOMATIC ELECTION TO APPROVE TAX RATE FOR
19 CERTAIN DEVELOPED DISTRICTS. (a) In this section:

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

27 (2) "Mandatory tax election rate" means the rate equal

1 to the sum of the following tax rates for the district:

2 (A) the rate that would impose 1.035 times the
3 amount of tax imposed by the district in the preceding year on a
4 residence homestead appraised at the average appraised value of a
5 residence homestead in the district in that year, disregarding any
6 homestead exemption available only to disabled persons or persons
7 65 years of age or older; and

8 (B) the unused increment rate.

9 (3) "Unused increment rate" has the meaning assigned
10 by Section 26.013, Tax Code.

11 (4) "Voter-approval tax rate" means the rate equal to
12 the sum of the following tax rates for the district:

13 (A) the current year's debt service tax rate;

14 (B) the current year's contract tax rate;

15 (C) the operation and maintenance tax rate that
16 would impose 1.035 times the amount of the operation and
17 maintenance tax imposed by the district in the preceding year on a
18 residence homestead appraised at the average appraised value of a
19 residence homestead in the district in that year, disregarding any
20 homestead exemption available only to disabled persons or persons
21 65 years of age or older; and

22 (D) the unused increment rate.

23 (b) This section applies only to a developed district that
24 is not a district described by Section 49.23601.

25 (c) If the board of a district adopts a combined debt
26 service, contract, and operation and maintenance tax rate that
27 exceeds the district's mandatory tax election rate, an election

1 must be held in accordance with the procedures provided by Sections
2 26.07(c)-(g), Tax Code, to determine whether to approve the adopted
3 tax rate. If the adopted tax rate is not approved at the election,
4 the district's tax rate is the voter-approval tax rate.

5 (d) Notwithstanding any other provision of this section,
6 the board of a district may give notice under Section
7 49.236(a)(3)(A), determine whether an election is required to
8 approve the adopted tax rate of the district in the manner provided
9 for a district under Section 49.23601(c), and calculate the
10 voter-approval tax rate of the district in the manner provided for a
11 district under Section 49.23601(a) if any part of the district is
12 located in an area declared a disaster area during the current tax
13 year by the governor or by the president of the United States. The
14 board may continue doing so until the earlier of:

15 (1) the second tax year in which the total taxable
16 value of property taxable by the district as shown on the appraisal
17 roll for the district submitted by the assessor for the district to
18 the board exceeds the total taxable value of property taxable by the
19 district on January 1 of the tax year in which the disaster
20 occurred; or

21 (2) the third tax year after the tax year in which the
22 disaster occurred.

23 (6) In SECTION 89 of the bill, strike added Section
24 49.23603(c), Water Code (page 136, lines 11-17), and substitute the
25 following:

26 (c) If the board of a district adopts a combined debt
27 service, contract, and operation and maintenance tax rate that

1 would impose more than 1.08 times the amount of tax imposed by the
2 district in the preceding year on a residence homestead appraised
3 at the average appraised value of a residence homestead in the
4 district in that year, disregarding any homestead exemption
5 available only to disabled persons or persons 65 years of age or
6 older, the qualified voters of the district by petition may require
7 that an election be held to determine whether to reduce the tax rate
8 adopted for the current year to the voter-approval tax rate in
9 accordance with the procedures provided by Sections 26.075 and
10 [26.081](#), Tax Code.