BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Fast-growth counties frequently struggle with improvements to county roads. Many people rightfully do not want to pay additional taxes for the roads they will not use, but others are willing to pay a little more to expand this critical infrastructure. This legislation seeks to empower county government and residents to expand road districts where they are needed. A commissioners court will then be able to cancel road districts that are no longer necessary or where the residents no longer desire to have the tax. The court can refund any remaining tax dollars to taxpayers on a pro rata basis. Overall, S.B. 1412 allows voters within a county the ability to petition a commissioners court to designate a road district to meet the needs of a specific area.

As proposed, S.B. 1412 amends current law relating to an additional ad valorem road tax for the maintenance of county roads.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 256.052(b), (c), and (h), Transportation Code, as follows:

(b) Provides that the commissioners court of a county by order:

(1) is authorized to declare a political subdivision or other specified portion of the county, the territory of which is required to be defined by metes and bounds in the order, as a defined district for the purposes of the tax; and

(2) is required to declare a political subdivision or other specified portion of the county to be a defined district for the purposes of the tax on receipt of a petition for that declaration that is signed by a majority of the registered voters of the specified portion of the county, and defines by metes and bounds the territory requested to be included in the proposed defined district.

Makes conforming changes.

(c) Provides that the commissioners court:

(1) is authorized to order an election to adopt the tax; and

(2) is required to order an election to adopt the tax if it receives a petition requesting the election that is signed by:

(A) makes nonsubstantive changes to this paragraph;

(B) at least 50 registered voters of the political subdivision, rather than the political subdivision or defined district, if the petition requests an election

to approve a tax for a political subdivision. Makes a nonsubstantive change; or

(C) a majority of the registered voters of the defined district, if the petition requests an election to approve a tax for a defined district.

(h) Prohibits the commissioners court from ordering an election or granting a petition calling for an election to adopt a tax under Section 256.052 (Adoption of Special Road Tax) on or before the first anniversary of the date of an election held under this section at which the voters do not approve the adoption of the tax. Deletes existing text prohibiting a petition calling for an election to adopt a tax under this section from being granted on or before the first anniversary of the date of an election held under this section at which the voters do not approve the adoption of the tax.

SECTION 2. Amends Section 256.053, Transportation Code, as follows:

Sec. 256.053. REPEAL OF SPECIAL ROAD TAX. (a) Provides that the commissioners court of a county:

(1) is authorized to order and conduct an election in the applicable area on the question of whether to repeal a tax adopted under Section 256.052;

(2) is required to order an election in the applicable area to repeal a tax adopted under Section 256.052 if the commissioners court receives a petition signed by the applicable number of registered voters under Section 256.052(c);

(3) is authorized to repeal a tax adopted under Section 256.052 if the commissioners court determines that the tax is no longer needed; and

(4) is required to repeal a tax adopted under Section 256.052 if the repeal is approved by a majority of the registered voters voting at an election under Subdivision (1) or (2).

(b) Prohibits the commissioners court from repealing a tax or ordering an election to repeal a tax on or before the second anniversary of the date of the election at which the tax is adopted. Deletes existing text prohibiting a petition requesting an election to repeal the tax from being granted on or before the second anniversary of the date of the election at which the tax is adopted.

(c) Authorizes the commissioners court to order, rather than grant a petition calling for, an election to repeal a tax only if satisfactory proof of certain matters is presented to the court. Makes a nonsubstantive change.

(d) Requires the commissioners court, if a tax under Section 256.052 is repealed under this section, to, as applicable, refund to the taxpayers a pro rata share of unobligated tax revenue remaining at the time of the repeal, or to continue to impose the tax only until the amount collected is sufficient to pay any debt to which the tax is obligated at the time of the repeal.

SECTION 3. Effective date: September 1, 2021.