By:  Paxton S.B. No. 1412

(In the Senate - Filed March 10, 2021; March 18, 2021, read first time and referred to Committee on Local Government; May 13, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 1; May 13, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Menéndez          X

Eckhardt          X

Gutierrez         X

Hall                  X

Nichols           X

Paxton            X

Springer          X

Zaffirini         X

COMMITTEE SUBSTITUTE FOR S.B. No. 1412 By:  Paxton

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and repeal of an additional ad valorem road tax for the maintenance of county roads.

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

SECTION 1.  Sections 256.052(b), (c), and (h), Transportation Code, are amended to read as follows:

(b)  The [~~On a petition signed by a majority of the registered voters of a political subdivision or other specified portion of a county, the~~] commissioners court of a [~~the~~] county by order:

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

(2)  shall declare a [~~the~~] 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:

(A)  is signed by a majority of the registered voters of the specified portion of the county; and

(B)  defines [~~and shall record the order in the court's minutes. The petition must define~~] by metes and bounds the territory requested to be included in the proposed defined district.

(c)  The commissioners court:

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

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

(A) [~~(1)~~]  at least 200 registered voters of the county, if the petition requests an election to approve a tax for the county; [~~or~~]

(B) [~~(2)~~]  at least 50 registered voters of the political subdivision [~~or defined district~~], if the petition requests an election to approve a tax for a political subdivision; 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)  The commissioners court may not order an election or grant a [~~A~~] petition calling for an election to adopt a tax under this section [~~may not be 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.  Section 256.053, Transportation Code, is amended to read as follows:

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

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

(2)  shall 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)  may repeal a tax adopted under Section 256.052 if the commissioners court determines that the tax is no longer needed; and

(4)  shall 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) [~~may order and conduct an election to repeal a tax adopted under Section 256.052 in the manner provided for an election to adopt the tax~~].

(b)  The commissioners court may not repeal a tax or order [~~A petition requesting~~] an election to repeal a [~~the~~] tax [~~may not be granted~~] on or before the second anniversary of the date of the election at which the tax is adopted.

(c)  The commissioners court may order [~~grant a petition calling for~~] an election to repeal a [~~the~~] tax only if satisfactory proof is presented to the court that:

(1)  there is great dissatisfaction with the tax; and

(2)  it is probable that a majority of the residents of the county, political subdivision, or defined district who are qualified to vote for the tax would vote for repeal of the tax.

(d)  If a tax under Section 256.052 is repealed under this section, the commissioners court shall, as applicable:

(1)  refund to the taxpayers a pro rata share of unobligated tax revenue remaining at the time of the repeal; or

(2)  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.  This Act takes effect September 1, 2021.

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