

By: Bettencourt

S.B. No. 1428

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the applicability of the exemptions in the event of a
3 disaster from certain limitations on the ad valorem tax rate of a
4 taxing unit.

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

6 SECTION 1. Section 26.07(b), Tax Code, is amended to read as
7 follows:

8 (b) If the governing body of a special taxing unit or a
9 municipality with a population of 30,000 or more adopts a tax rate
10 that exceeds the taxing unit's voter-approval tax rate, or the
11 governing body of a taxing unit other than a special taxing unit or
12 a municipality with a population of less than 30,000 regardless of
13 whether it is a special taxing unit adopts a tax rate that exceeds
14 the greater of the taxing unit's voter-approval tax rate or de
15 minimis rate, the registered voters of the taxing unit at an
16 election held for that purpose must determine whether to approve
17 the adopted tax rate. When increased expenditure of money by a
18 taxing unit is necessary to respond to a disaster, including a
19 tornado, hurricane, flood, wildfire, or other calamity, but not
20 including a drought or epidemic, that has impacted the taxing unit
21 and the governor has declared any part of the area in which the
22 taxing unit is located as a disaster area, an election is not
23 required under this section to approve the tax rate adopted by the
24 governing body for the year following the year in which the disaster

1 occurs.

2 SECTION 2. Section 26.08(a-1), Tax Code, is amended to read
3 as follows:

4 (a-1) When increased expenditure of money by a school
5 district is necessary to respond to a disaster, including a
6 tornado, hurricane, flood, wildfire, or other calamity, but not
7 including a drought or epidemic, that has impacted a school
8 district and the governor has requested federal disaster assistance
9 for the area in which the school district is located, an election is
10 not required under this section to approve the tax rate adopted by
11 the governing body for the year following the year in which the
12 disaster occurs. A tax rate adopted under this subsection applies
13 only in the year for which the rate is adopted. If a district adopts
14 a tax rate under this subsection, the amount by which that rate
15 exceeds the district's voter-approval tax rate for that tax year
16 may not be considered when calculating the district's
17 voter-approval tax rate for the tax year following the year in which
18 the district adopts the rate.

19 SECTION 3. The changes in law made by this Act apply to the
20 ad valorem tax rate of a taxing unit beginning with the 2022 tax
21 year.

22 SECTION 4. This Act takes effect January 1, 2022.