

By: Bettencourt

S.B. No. 1431

A BILL TO BE ENTITLED

AN ACT

relating to the assessment and collection of ad valorem taxes imposed by a school district.

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

SECTION 1. Section 11.1511(c), Education Code, is amended to read as follows:

(c) The board may:

(1) issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Sections 45.001 and 45.003;

(2) levy, assess, and collect an annual ad valorem tax for maintenance and operation of the district as authorized under Sections 45.002 and 45.003; and

~~(3) [employ a person to assess or collect the district's taxes as authorized under Section 45.231; and~~

~~(4)]~~ enter into contracts as authorized under this code or other law and delegate contractual authority to the superintendent as appropriate.

SECTION 2. Section 45.231, Education Code, is amended to read as follows:

Sec. 45.231. ~~[EMPLOYMENT OF]~~ ASSESSOR AND COLLECTOR. (a) Except as provided by Subsection (b), the assessor and collector for [The board of trustees of] an independent school district is the county assessor-collector for the county in which the property

1 subject to taxation by the school district is located [~~may employ a~~  
2 ~~person to assess or collect the school district's taxes and may~~  
3 ~~compensate the person as the board of trustees considers~~  
4 ~~appropriate~~].

5 (b) Except as otherwise provided by this subsection, the  
6 board of trustees of an independent school district may employ a  
7 person to assess or collect the district's taxes for the 2022 and  
8 following tax years, and may compensate that person as the board  
9 considers appropriate, if the board employed a person to assess or  
10 collect the district's taxes for the 2019, 2020, and 2021 tax years  
11 and the board determines that the total cost of collection of those  
12 taxes by that person for those three tax years was less than the  
13 total cost of collection of ad valorem taxes by the county  
14 assessor-collector for the county in which the district is wholly  
15 or primarily located for those three tax years. Not later than  
16 February 1 of every third tax year beginning with the 2025 tax year,  
17 the board of trustees of an independent school district that  
18 employs a person as provided by this subsection must determine  
19 whether the total cost of collection of the district's taxes for the  
20 applicable preceding three tax years was more than the total cost of  
21 collection of ad valorem taxes by the county assessor-collector for  
22 the county in which the district is wholly or primarily located for  
23 the applicable preceding three tax years. The board of trustees may  
24 not employ a person under this subsection for any tax year beginning  
25 with the tax year in which the board determines under this  
26 subsection that the total cost of collection of the district's  
27 taxes for the preceding three tax years was more than the total cost

1 of collection of ad valorem taxes by the county assessor-collector  
2 for those preceding three tax years [~~This section does not prohibit~~  
3 ~~an independent school district from providing for the assessment or~~  
4 ~~collection of the school district's taxes under a method authorized~~  
5 ~~by Subchapter B, Chapter 6, Tax Code].~~

6 SECTION 3. Sections 6.22(a) and (b), Tax Code, are amended  
7 to read as follows:

8 (a) The assessor and collector for a taxing unit other than  
9 a county, school district, or [a] home-rule municipality [~~city~~] are  
10 determined by the law creating or authorizing creation of the  
11 taxing unit.

12 (b) The assessor and collector for a home-rule municipality  
13 [~~city~~] are determined by the municipality's [~~city's~~] charter and  
14 ordinances.

15 SECTION 4. Section 6.23, Tax Code, is amended by adding  
16 Subsection (a-1) to read as follows:

17 (a-1) Except as provided by Section 45.231(b), Education  
18 Code, the county assessor-collector shall assess and collect taxes  
19 on property in the county for each school district located in the  
20 county.

21 SECTION 5. Section 6.27(b), Tax Code, is amended to read as  
22 follows:

23 (b) Except as provided by Subsection (d), the county  
24 assessor-collector is entitled to a reasonable fee, which may not  
25 exceed the actual costs incurred, for assessing and collecting  
26 taxes for a taxing unit as required by [~~pursuant to~~] Section  
27 6.23(a)(1), (2), or (3) or (a-1).

1           SECTION 6. Section [45.232](#), Education Code, is repealed.

2           SECTION 7. The changes in law made by this Act do not apply  
3 to an independent school district during the term of a contract  
4 entered into by the school district before the effective date of  
5 this Act that requires a person other than an employee of the school  
6 district to assess, collect, or assess and collect ad valorem taxes  
7 imposed by the school district.

8           SECTION 8. This Act takes effect September 1, 2021.