

By: Cain

H.B. No. 763

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the repeal of provisions authorizing certain taxing  
3 units in the year following the year in which a disaster occurs to  
4 adopt an ad valorem tax rate that exceeds the voter-approval tax  
5 rate without holding an election to approve the adopted tax rate;  
6 making conforming changes.

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

8 SECTION 1. Section 48.202(f), Education Code, is amended to  
9 read as follows:

10 (f) For a school year in which the dollar amount guaranteed  
11 level of state and local funds per weighted student per cent of tax  
12 effort ("GL") under Subsection (a-1)(2) exceeds the dollar amount  
13 guaranteed level of state and local funds per weighted student per  
14 cent of tax effort ("GL") under Subsection (a-1)(2) for the  
15 preceding school year, a school district shall reduce the  
16 district's tax rate under Section 45.0032(b)(2) for the tax year  
17 that corresponds to that school year to a rate that results in the  
18 amount of state and local funds per weighted student per cent of tax  
19 effort available to the district at the dollar amount guaranteed  
20 level for the preceding school year. A school district is not  
21 entitled to the amount equal to the increase of revenue described by  
22 this subsection for the school year for which the district must  
23 reduce the district's tax rate. For [~~Unless Section 26.042(e), Tax~~  
24 ~~Code, applies to the district, for~~] a tax year in which a district

1 must reduce the district's tax rate under this subsection, the  
2 district may not increase the district's maintenance and operations  
3 tax rate to a rate that exceeds the maximum maintenance and  
4 operations tax rate permitted under Section 45.003(d) or (f), as  
5 applicable, minus the reduction of tax effort required under this  
6 subsection. This subsection does not apply if the amount of state  
7 funds appropriated for a school year specifically excludes the  
8 amount necessary to provide the dollar amount guaranteed level of  
9 state and local funds per weighted student per cent of tax effort  
10 under Subsection (a-1)(2).

11 SECTION 2. The heading to Section 26.042, Tax Code, is  
12 amended to read as follows:

13 Sec. 26.042. CALCULATION [~~AND ADOPTION~~] OF VOTER-APPROVAL  
14 TAX RATE OF CERTAIN TAXING UNITS [~~TAX RATES~~] IN DISASTER AREA.

15 SECTION 3. Section 26.042(g), Tax Code, is amended to read  
16 as follows:

17 (g) A taxing unit that in a tax year elects to calculate the  
18 taxing unit's voter-approval tax rate under Subsection (a) [~~or~~  
19 ~~adopt a tax rate that exceeds the taxing unit's voter-approval tax~~  
20 ~~rate for that tax year without holding an election under Subsection~~  
21 ~~(d) or (e)~~] must specify the disaster declaration that provides the  
22 basis for authorizing the taxing unit to calculate [~~or adopt~~] a tax  
23 rate under that [~~the applicable~~] subsection. A taxing unit that in  
24 a tax year specifies a disaster declaration as providing the basis  
25 for authorizing the taxing unit to calculate [~~or adopt~~] a tax rate  
26 under Subsection (a) [~~, (d), or (e)~~] may not in a subsequent tax year  
27 specify the same disaster declaration as providing the basis for

1 authorizing the taxing unit to calculate [~~or adopt~~] a tax rate under  
2 that subsection [~~one of those subsections~~] if in an intervening tax  
3 year the taxing unit specifies a different disaster declaration as  
4 the basis for authorizing the taxing unit to calculate [~~or adopt~~] a  
5 tax rate under that subsection [~~one of those subsections~~].

6 SECTION 4. The following provisions are repealed:

- 7 (1) Section 45.0032(d), Education Code; and  
8 (2) Sections 26.042(d), (e), and (f), Tax Code.

9 SECTION 5. This Act applies only to ad valorem taxes imposed  
10 for an ad valorem tax year that begins on or after the effective  
11 date of this Act.

12 SECTION 6. This Act takes effect January 1, 2026.