

## **BILL ANALYSIS**

C.S.H.B. 2087  
By: Hill  
Local Government Ways & Means  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Section 11.261 of the Tax Code permits a municipality, county, or junior college district to call an election to freeze the taxes due on certain property owned by seniors and the disabled. An election can be called by petition of the voters, or by the governing body.

In one Texas city so far, an election was triggered by a petition of the voters. The election to adopt the freeze failed to pass. Undeterred, petitioners triggered another election the very next year. The election failed again. It is possible that the petitioners could try again and again.

Local government elections are expensive. While the senior/disabled tax freeze is an important optional law, where the voters have spoken twice against it in a particular taxing entity, the voters' tax dollars should be protected from repeated attempts to enact the freeze.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 2087 provides that in a general law municipality, county, or junior college district in which two petition-initiated tax freeze elections have taken place during a three-year period, and where the result of both elections was to fail to adopt the freeze, a subsequent petition-initiated election cannot occur until at least three years have passed since the most recent failed election. CSHB 2087 provides that the foregoing does not prevent the governing body from directly establishing a tax freeze, or from calling an election for a tax freeze.

For a home rule municipality, CSHB2087 states that a home rule municipality shall order an election, but notwithstanding any other state or local law, may choose to hold the election on the next uniform municipal election date, allowing sufficient time to prepare the ballot.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 2087 limits the three-year period to a general law municipality, county, or junior college district rather than all municipalities, county, or junior college district. CSHB 2087 adds a section that applies to home rule municipalities. This section states that a home rule municipality shall order an election, but notwithstanding any other state or local law, may choose to hold the election on the next uniform municipal election date, allowing sufficient time to prepare the ballot.