

1-1 By: Bettencourt S.B. No. 91
 1-2 (In the Senate - Filed August 27, 2021; August 27, 2021,
 1-3 read first time and referred to Committee on Finance;
 1-4 August 30, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 15, Nays 0;
 1-6 August 30, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			
1-22	X			
1-23	X			

1-24 COMMITTEE SUBSTITUTE FOR S.B. No. 91 By: Bettencourt

1-25 A BILL TO BE ENTITLED
 1-26 AN ACT

1-27 relating to a temporary reduction in the maximum compressed tax
 1-28 rate of a school district and the form of the ballot proposition to
 1-29 be used in an election to approve a tax rate adopted by a school
 1-30 district that exceeds the district's voter-approval tax rate;
 1-31 making an appropriation.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 SECTION 1. Subchapter F, Chapter 48, Education Code, is
 1-34 amended by adding Section 48.2555 to read as follows:

1-35 Sec. 48.2555. MAXIMUM COMPRESSED TAX RATE FOR 2022-2023
 1-36 SCHOOL YEAR. (a) Notwithstanding any other provision of this title
 1-37 or Chapter 26, Tax Code, for the 2022-2023 school year, the
 1-38 commissioner shall calculate the value of a school district's
 1-39 maximum compressed tax rate by determining the district's maximum
 1-40 compressed rate under Section 48.2551 or 48.2552(b), if applicable,
 1-41 and reducing the tax rate determined under the applicable section
 1-42 by the amount by which the commissioner may reduce each district's
 1-43 maximum compressed tax rate by an equal amount using funds
 1-44 appropriated for the purpose of reducing each district's maximum
 1-45 compressed tax rate under this section.

1-46 (b) If a school district's maximum compressed tax rate as
 1-47 calculated under Subsection (a) would be less than 90 percent of
 1-48 another school district's maximum compressed tax rate under
 1-49 Subsection (a), the district's maximum compressed tax rate is the
 1-50 value at which the district's maximum compressed tax rate would be
 1-51 equal to 90 percent of the other district's maximum compressed tax
 1-52 rate.

1-53 (c) Notwithstanding any other provision of this title or
 1-54 Chapter 26, Tax Code, for purposes of determining funding for
 1-55 school districts for the 2022-2023 school year, a reference in any
 1-56 of the following provisions of law to a school district's maximum
 1-57 compressed tax rate or maximum compressed rate as determined under
 1-58 Section 48.2551 means the maximum compressed tax rate determined
 1-59 for the district under this section:

1-60 (1) Sections 13.054(f) and (f-1);

- 2-1 (2) Section 45.003(d);
- 2-2 (3) Section 45.0032(a);
- 2-3 (4) Section 48.051(a);
- 2-4 (5) Sections 48.2553(a) and (e); and
- 2-5 (6) Section 26.08(n), Tax Code.

2-6 (d) For purposes of Section 30.003(f-1), a reference in that
2-7 section to Section 48.2551 includes this section.

2-8 (e) Notwithstanding any other provision of this title, for
2-9 purposes of determining a school district's maximum compressed tax
2-10 rate under Section 48.2551 for the 2023-2024 school year, the
2-11 commissioner shall exclude the reduction in the district's maximum
2-12 compressed tax rate under this section for the preceding school
2-13 year from the value of the district's "PYMCR."

2-14 (f) This section expires September 1, 2024.

2-15 SECTION 2. Section 26.08(b), Tax Code, is amended to read as
2-16 follows:

2-17 (b) The governing body shall order that the election be held
2-18 in the school district on the next uniform election date prescribed
2-19 by Section 41.001, Election Code, that occurs after the date of the
2-20 election order and that allows sufficient time to comply with the
2-21 requirements of other law. At the election, the ballots shall be
2-22 prepared to permit voting for or against the
2-23 proposition: "Ratifying the ad valorem tax rate of ____ (insert
2-24 adopted tax rate) in (name of school district) for the current year,
2-25 a rate that will result in an increase of ____ (insert percentage
2-26 increase in maintenance and operations tax revenue under the
2-27 adopted tax rate as compared to maintenance and operations tax
2-28 revenue in the preceding tax year) percent in maintenance and
2-29 operations tax revenue for the district for the current year as
2-30 compared to the preceding year, which is an additional \$____
2-31 (insert dollar amount of increase in maintenance and operations tax
2-32 revenue under the adopted tax rate as compared to maintenance and
2-33 operations tax revenue in the preceding tax year). If the adopted
2-34 tax rate is not ratified, the (name of school district) may not
2-35 adopt a tax rate that exceeds ____ (insert the school district's
2-36 voter-approval tax rate)."

2-37 SECTION 3. (a) Not later than June 1, 2022, the comptroller
2-38 of public accounts shall prepare and provide to the legislature an
2-39 update of the biennial revenue estimate prepared in accordance with
2-40 Section 49a, Article III, Texas Constitution, and provided to the
2-41 legislature in January 2021. The update must include the difference
2-42 between the estimated balance of general revenue-related funds
2-43 available for certification at the end of the state fiscal year
2-44 ending August 31, 2023, as determined under:

- 2-45 (1) the update required under this subsection; and
- 2-46 (2) the comptroller's biennial revenue estimate update
2-47 provided to the legislature in August 2021.

2-48 (b) In addition to other amounts appropriated to the Texas
2-49 Education Agency for the state fiscal year ending August 31, 2023,
2-50 an amount equal to the lesser of \$4 billion or the sum of \$2 billion
2-51 and 50 percent of the amount, if any, by which the difference
2-52 determined under Subsection (a) of this section exceeds \$500
2-53 million is appropriated from the general revenue fund to the agency
2-54 for the state fiscal year ending August 31, 2023, for use in
2-55 providing school district property tax relief by reducing each
2-56 school district's maximum compressed tax rate under Section
2-57 48.2555, Education Code, as added by this Act.

2-58 SECTION 4. This Act takes effect immediately if it receives
2-59 a vote of two-thirds of all the members elected to each house, as
2-60 provided by Section 39, Article III, Texas Constitution. If this
2-61 Act does not receive the vote necessary for immediate effect, this
2-62 Act takes effect on the 91st day after the last day of the
2-63 legislative session.

2-64 * * * * *