

1-1 By: Bettencourt S.B. No. 3071  
1-2 (In the Senate - Filed May 12, 2025; May 12, 2025, read  
1-3 first time and referred to Committee on Local Government;  
1-4 May 19, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 2; May 19, 2025,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Bettencourt	X			
1-10	Middleton	X			
1-11	Cook		X		
1-12	Gutierrez	X			
1-13	Nichols	X			
1-14	Paxton	X			
1-15	West		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 3071 By: Gutierrez

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the authority of a property owner to obtain an  
1-20 injunction restraining the collection of ad valorem taxes by a  
1-21 taxing unit if the taxing unit adopts a tax rate that exceeds the  
1-22 voter-approval tax rate and subsequently takes an action that  
1-23 constitutes a material deviation from the stated purpose of the tax  
1-24 increase.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 26.012, Tax Code, is amended by adding  
1-27 Subdivision (16-a) to read as follows:

1-28 (16-a) "Materially deviate" means to make a  
1-29 significant change in carrying out the purpose stated to voters on a  
1-30 ballot proposition, stated in any order or resolution calling for  
1-31 an election required under this chapter, or stated in resolutions  
1-32 adopted to accompany or supplement a ballot proposition, including:

1-33 (A) a significant change in purpose;

1-34 (B) a significant change in the financing  
1-35 structure for the purpose;

1-36 (C) an increase of more than 33 percent in actual  
1-37 or projected costs of the purpose;

1-38 (D) a significant reduction in scope or scale of  
1-39 the purpose;

1-40 (E) a legal determination, including a finding  
1-41 under Chapter 1202 or 1205, Government Code, that the purpose  
1-42 stated on the ballot proposition or any order or resolution calling  
1-43 for an election required under this chapter was not in conformity  
1-44 with law; or

1-45 (F) any other attempt to substantially impair the  
1-46 rights and expectations of the voters as they existed at the time of  
1-47 the election.

1-48 SECTION 2. Section 26.05, Tax Code, is amended by adding  
1-49 Subsection (e-2) to read as follows:

1-50 (e-2) A person who owns taxable property is entitled to an  
1-51 injunction restraining the collection of taxes by a taxing unit in  
1-52 which the property is taxable if the taxing unit has materially  
1-53 deviated from the purpose stated in the ballot for an election  
1-54 required to be held under Section 26.07, in the order or resolution  
1-55 ordering the election, or in an order or resolution accompanying  
1-56 the ballot. An action to enjoin the collection of taxes must be  
1-57 filed not later than the 15th day after the date the taxing unit  
1-58 adopts a tax rate. A property owner who owns taxable property in  
1-59 the taxing unit is not required to pay the taxes imposed by the  
1-60 taxing unit on the owner's property while an action to enjoin the

collection of the taxes under this subsection is pending. If a property owner pays the taxes and the property owner who filed the action subsequently prevails in the action, the property owner who paid the taxes is entitled to a refund of the taxes paid. A property owner is not required to apply to the collector for the taxing unit to receive the refund. A property owner who files an action under this subsection and subsequently prevails is entitled to reasonable attorney's fees and court costs.

SECTION 3. Section 26.05(e-2), Tax Code, as added by this Act, applies to an action filed by a property owner to enjoin the collection of ad valorem taxes for a material deviation from the purpose stated in the ballot for an election required to be held under Section 26.07 of that code, in the order or resolution ordering the election, or in an order or resolution accompanying the ballot, only if the material deviation occurs on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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