

1-1 By: Paxton S.B. No. 1413  
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read  
 1-3 first time and referred to Committee on Local Government;  
 1-4 April 21, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 21, 2021,  
 1-6 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 COMMITTEE SUBSTITUTE FOR S.B. No. 1413 By: Paxton

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the electronic delivery of certain communications and  
 1-22 payments required or permitted under the Property Tax Code;  
 1-23 authorizing a fee.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 1.07(a), Tax Code, is amended to read as  
 1-26 follows:

1-27 (a) An official or agency required by this title to deliver  
 1-28 a notice to a property owner may deliver the notice by regular  
 1-29 first-class mail, with postage prepaid, unless this section or  
 1-30 another provision of this title requires or authorizes a different  
 1-31 method of delivery [~~or the parties agree that the notice must be~~  
 1-32 ~~delivered as provided by Section 1.085 or 1.086].~~

1-33 SECTION 2. The heading to Section 1.085, Tax Code, is  
 1-34 amended to read as follows:

1-35 Sec. 1.085. ELECTRONIC DELIVERY OF COMMUNICATION OR PAYMENT  
 1-36 [~~IN ELECTRONIC FORMAT~~].

1-37 SECTION 3. Section 1.085, Tax Code, is amended by amending  
 1-38 Subsections (a), (d), (e), (f), (h), (i), (j), and (l) and adding  
 1-39 Subsections (a-1), (a-2), (a-3), (a-4), (a-5), (a-6), (d-1), and  
 1-40 (n) to read as follows:

1-41 (a) In this section:

1-42 (1) "Communication" means a notice, rendition,  
 1-43 application form, completed application, report, filing,  
 1-44 statement, bill, or other item of information required or permitted  
 1-45 to be delivered under a provision of this title.

1-46 (2) "Tax official" means a chief appraiser, an  
 1-47 appraisal district, an appraisal review board, an assessor, a  
 1-48 collector, or a taxing unit.

1-49 (a-1) Notwithstanding any other provision in this title, a  
 1-50 communication or payment [and except as provided by this section,  
 1-51 any notice, rendition, application form, or completed application,  
 1-52 or information requested under Section 41.461(a)(2),] that is  
 1-53 required or permitted by this title to be delivered between a tax  
 1-54 official [chief appraiser, an appraisal district, an appraisal  
 1-55 review board, or any combination of those persons] and a property  
 1-56 owner or a person designated by a property owner under Section  
 1-57 1.111(f) shall [may] be delivered electronically [in an electronic  
 1-58 format] if the property owner or person designated by the owner  
 1-59 elects to exchange communications and payments with the tax  
 1-60 official electronically under Subsection (a-2) of [chief appraiser

2-1 ~~and the property owner or person designated by the owner agree~~  
 2-2 ~~under] this section.~~  
 2-3 (a-2) A tax official shall establish a procedure that allows  
 2-4 a property owner or a person designated by a property owner under  
 2-5 Section 1.111(f) to make the election described by Subsection (a-1)  
 2-6 of this section. The procedure must specify:  
 2-7 (1) the manner in which communications and payments  
 2-8 will be exchanged between the official and the property owner or  
 2-9 person designated by the owner; and  
 2-10 (2) the method that will be used to:  
 2-11 (A) protect the security of communications and  
 2-12 payments; and  
 2-13 (B) confirm the delivery of communications and  
 2-14 payments.  
 2-15 (a-3) An election under Subsection (a-2) of this section by  
 2-16 a property owner or a person designated by a property owner under  
 2-17 Section 1.111(f) remains in effect until rescinded in writing by  
 2-18 the property owner or person designated by the owner.  
 2-19 (a-4) Except for a communication delivered by e-mail, a tax  
 2-20 official may charge a reasonable convenience fee to accept a  
 2-21 communication or payment delivered electronically to the official.  
 2-22 (a-5) A tax official may require a property owner or a  
 2-23 person designated by a property owner under Section 1.111(f) who  
 2-24 elects to exchange communications and payments electronically to  
 2-25 provide:  
 2-26 (1) an e-mail address; and  
 2-27 (2) a financial account number.  
 2-28 (a-6) A tax official shall prominently display the  
 2-29 information necessary for proper electronic delivery of  
 2-30 communications and payments to the official on:  
 2-31 (1) the official's Internet website, if applicable;  
 2-32 and  
 2-33 (2) each communication sent by the official to a  
 2-34 property owner or a person designated by a property owner under  
 2-35 Section 1.111(f) that requires the property owner or person  
 2-36 designated by the owner to submit a communication or payment to the  
 2-37 official.  
 2-38 (d) The [Unless otherwise provided by an agreement, the]  
 2-39 electronic delivery of any communication or payment by a tax  
 2-40 official to a property owner or a person designated by a property  
 2-41 owner under Section 1.111(f) [information in an electronic format]  
 2-42 is effective on receipt by the [a chief appraiser, an appraisal  
 2-43 district, an appraisal review board, a] property owner[-] or [a]  
 2-44 person designated by the [a property] owner. [An agreement entered  
 2-45 into under this section remains in effect until rescinded in  
 2-46 writing by the property owner or person designated by the owner.]  
 2-47 (d-1) The electronic delivery of a communication or payment  
 2-48 by a property owner or a person designated by a property owner under  
 2-49 Section 1.111(f) to a tax official is timely if the communication or  
 2-50 payment is:  
 2-51 (1) addressed to the correct delivery portal or  
 2-52 electronic delivery system; and  
 2-53 (2) sent or uploaded on or before the date on which the  
 2-54 communication or payment is due.  
 2-55 (e) The comptroller by rule [+]  
 2-56 [(-)] shall prescribe acceptable media, formats,  
 2-57 content, and methods for the electronic delivery of communications  
 2-58 and payments under this section [transmission of notices required  
 2-59 by Section 25.19, and  
 2-60 [-] may prescribe acceptable media, formats,  
 2-61 content, and methods for the electronic transmission of other  
 2-62 notices, renditions, and applications].  
 2-63 (f) A tax official [In an agreement entered into under this  
 2-64 section, a chief appraiser] may select the medium, format, content,  
 2-65 and method to be used by the tax official and a property owner or a  
 2-66 person designated by a property owner under Section 1.111(f) to  
 2-67 exchange communications or payments electronically [appraisal  
 2-68 district] from among those prescribed by the comptroller under  
 2-69 Subsection (e). [If the comptroller has not prescribed the media,

3-1 ~~format, content, and method applicable to the communication, the~~  
 3-2 ~~chief appraiser may determine the medium, format, content, and~~  
 3-3 ~~method to be used.]~~

3-4 (h) A tax official [~~This subsection applies to the chief~~  
 3-5 ~~appraiser of an appraisal district only if the appraisal district~~  
 3-6 ~~is located in a county described by Subsection (g) or the chief~~  
 3-7 ~~appraiser has decided to authorize electronic communication under~~  
 3-8 ~~this section and the appraisal district has implemented a system~~  
 3-9 ~~that allows such communication. The chief appraiser]~~ shall provide  
 3-10 notice regarding the availability of [~~agreement forms authorizing~~]  
 3-11 electronic delivery of communications and payments [~~communication~~]  
 3-12 under this section. The tax official [~~chief appraiser~~] shall  
 3-13 provide the notice by:

3-14 (1) publishing a notice in a newspaper having general  
 3-15 circulation in the appraisal district or taxing unit, as  
 3-16 applicable, at least once on or before February 1 of each year that  
 3-17 includes the words "Notice of Availability of Electronic Delivery  
 3-18 of Communications and Payments"; or

3-19 (2) delivering notice of the availability of  
 3-20 electronic delivery of communications and payments [~~the agreement~~  
 3-21 ~~form]~~ on or before February 1, or as soon as practicable after that  
 3-22 date, to each owner of property shown on the certified appraisal  
 3-23 roll of the appraisal district or taxing unit, as applicable, for  
 3-24 the preceding tax year and on or before February 1 of each  
 3-25 subsequent year, or as soon as practicable after that date, to each  
 3-26 new owner of property shown on the certified appraisal roll of the  
 3-27 appraisal district or taxing unit, as applicable, for the preceding  
 3-28 tax year.

3-29 (i) A property owner or a person designated by the property  
 3-30 owner under Section 1.111(f) who elects to exchange communications  
 3-31 and payments electronically with a tax official [~~enters into an~~  
 3-32 ~~agreement]~~ under this section and who [~~that~~] has not [~~been~~]  
 3-33 rescinded the election shall notify the tax official [~~appraisal~~  
 3-34 ~~district]~~ of a change in the e-mail [~~electronic mail~~] address  
 3-35 provided by the property owner or person designated by the owner  
 3-36 [~~specified in the agreement]~~ before the first April 1 that occurs  
 3-37 following the change. If notification is not received by the tax  
 3-38 official [~~appraisal district]~~ before that date, until notification  
 3-39 is received, any communications or payments [~~notices~~]  
 3-40 electronically [~~under the agreement]~~ to the property owner or  
 3-41 person designated by the owner are considered to be timely  
 3-42 delivered.

3-43 (j) An electronic signature that is included in any  
 3-44 communication or payment delivered electronically under this  
 3-45 section is [~~notice, rendition, application form, or completed~~  
 3-46 ~~application subject to an agreement under this section and that is~~  
 3-47 ~~required by Chapters 11, 22, 23, 24, 25, 26, and 41 shall be]~~  
 3-48 considered to be a digital signature for purposes of Section  
 3-49 2054.060, Government Code, and that section applies to the  
 3-50 electronic signature.

3-51 (l) A tax official [~~Unless the chief appraiser and the~~  
 3-52 ~~property owner or person designated by the owner agree otherwise~~  
 3-53 ~~under Subsection (b), the chief appraiser, appraisal district, or~~  
 3-54 ~~appraisal review board]~~ shall electronically deliver a  
 3-55 communication or payment [~~notice electronically]~~ in a manner that  
 3-56 allows for confirmation of receipt by the property owner or the  
 3-57 person designated by the owner under Section 1.111(f), such as  
 3-58 e-mail [~~electronic mail~~]. If confirmation of receipt of a  
 3-59 communication is not received by the 30th day following the date the  
 3-60 communication is electronically [~~electronic notice is]~~ delivered,  
 3-61 the tax official [~~chief appraiser, appraisal district, or appraisal~~  
 3-62 ~~review board, as applicable,]~~ shall deliver the communication  
 3-63 [~~notice]~~ to the property owner or the person designated by the owner  
 3-64 in the manner provided by Section 1.07. If confirmation of receipt  
 3-65 of a payment is not received by the 30th day following the date the  
 3-66 payment is electronically delivered, the tax official shall notify  
 3-67 the property owner or the person designated by the owner,  
 3-68 electronically or by mail, of the tax official's attempt to deliver  
 3-69 the payment electronically.

4-1 (n) A tax official shall accept and immediately confirm the  
4-2 receipt of a communication or payment delivered electronically to  
4-3 the official by a property owner or a person designated by the  
4-4 property owner under Section 1.111(f).

4-5 SECTION 4. Section 25.192(d), Tax Code, is amended to read  
4-6 as follows:

4-7 (d) ~~The [If a property owner has elected to receive notices~~  
4-8 ~~by e-mail as provided by Section 1.086, the]~~ notice required by this  
4-9 section must be sent ~~[in that manner]~~ separately from any other  
4-10 notice sent to the property owner by the chief appraiser.

4-11 SECTION 5. Section 25.193(b), Tax Code, is amended to read  
4-12 as follows:

4-13 (b) ~~The [If a property owner has elected to receive notices~~  
4-14 ~~by e-mail as provided by Section 1.086, for property described by~~  
4-15 ~~that section, the]~~ notice required by this section must be sent ~~[in~~  
4-16 ~~that manner]~~ regardless of whether the information was also  
4-17 included in a notice under Section 25.19 and must be sent separately  
4-18 from any other notice sent to the property owner by the chief  
4-19 appraiser.

4-20 SECTION 6. Section 41.461(c), Tax Code, is amended to read  
4-21 as follows:

4-22 (c) A chief appraiser shall deliver information requested  
4-23 by a property owner or the agent of the owner under Subsection  
4-24 (a)(2):

4-25 (1) by regular first-class mail, deposited in the  
4-26 United States mail, postage prepaid, and addressed to the property  
4-27 owner or agent at the address provided in the request for the  
4-28 information;

4-29 (2) electronically, if the property owner or agent of  
4-30 the owner has elected to receive electronic communications from the  
4-31 chief appraiser [in an electronic format as provided by an  
4-32 agreement] under Section 1.085; or

4-33 (3) subject to Subsection (d), by referring the  
4-34 property owner or the agent of the owner to a secure Internet  
4-35 website with user registration and authentication or to the exact  
4-36 Internet location or uniform resource locator (URL) address on an  
4-37 Internet website maintained by the appraisal district on which the  
4-38 requested information is identifiable and readily available.

4-39 SECTION 7. The following provisions of the Tax Code are  
4-40 repealed:

- 4-41 (1) Sections 1.085(b), (c), (g), (k), and (m);
- 4-42 (2) Section 1.086; and
- 4-43 (3) Section 41.46(e).

4-44 SECTION 8. The changes in law made by this Act apply  
4-45 beginning with the 2022 tax year.

4-46 SECTION 9. This Act takes effect September 1, 2021.

4-47 \* \* \* \* \*