

By: Flores

H.B. No. 2255

A BILL TO BE ENTITLED

AN ACT

relating to the payment of deferred taxes on certain agricultural land.

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

SECTION 1. Section 23.46(c), Tax Code, is amended to read as follows:

(c) If land that has been designated for agricultural use in any year is sold or diverted to a nonagricultural use, the total amount of additional taxes for the three years preceding the year in which the land is sold or diverted plus interest at the rate provided for delinquent taxes becomes due. A determination that the land has been diverted to a nonagricultural use is made by the chief appraiser. For purposes of this subsection, the chief appraiser may not consider any period during which land is owned by the state in determining whether the land has been diverted to a nonagricultural use. The chief appraiser shall deliver a notice of the determination to the owner of the land as soon as possible after making the determination and shall include in the notice an explanation of the owner's right to protest the determination. If the owner does not file a timely protest or if the final determination of the protest is that the additional taxes are due, the assessor for each taxing unit shall prepare and deliver a bill for the additional taxes plus interest as soon as practicable after the change of use occurs. If the additional taxes are due because

1 of a sale of the land, the assessor for each taxing unit shall  
2 prepare and deliver the bill as soon as practicable after the sale  
3 occurs. The taxes and interest are due and become delinquent and  
4 incur penalties and interest as provided by law for ad valorem taxes  
5 imposed by the taxing unit if not paid before the first day of the  
6 next month that will provide a period of at least 21 days after the  
7 date of mailing of the bill [~~next February 1 that is at least 20 days~~  
8 ~~after the date the bill is delivered to the owner of the land~~].

9 SECTION 2. Section 23.55(e), Tax Code, is amended to read as  
10 follows:

11 (e) A determination that a change in use of the land has  
12 occurred is made by the chief appraiser. The chief appraiser shall  
13 deliver a notice of the determination to the owner of the land as  
14 soon as possible after making the determination and shall include  
15 in the notice an explanation of the owner's right to protest the  
16 determination. If the owner does not file a timely protest or if  
17 the final determination of the protest is that the additional taxes  
18 are due, the assessor for each taxing unit shall prepare and deliver  
19 a bill for the additional taxes plus interest as soon as  
20 practicable. The taxes and interest are due and become delinquent  
21 and incur penalties and interest as provided by law for ad valorem  
22 taxes imposed by the taxing unit if not paid before the first day of  
23 the next month that will provide a period of at least 21 days after  
24 the date of mailing of the bill [~~next February 1 that is at least 20~~  
25 ~~days after the date the bill is delivered to the owner of the land~~].

26 SECTION 3. This Act takes effect January 1, 2004, and  
27 applies only to an additional tax imposed under Section 23.46 or

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1 23.55, Tax Code, on or after the effective date of this Act. An  
2 additional tax that is imposed before the effective date of this Act  
3 is governed by the law in effect when the tax was imposed, and that  
4 law is continued in effect for that purpose.