

AN ACT

relating to a refund of an overpayment or erroneous payment of ad valorem taxes by a tax collector who performs consolidated tax collection functions.

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

SECTION 1. Section 31.11(a), Tax Code, is amended to read as follows:

(a) If a taxpayer applies to the tax collector of a taxing unit for a refund of an overpayment or erroneous payment of taxes and the auditor for the unit determines that the payment was erroneous or excessive, the tax collector shall refund the amount of the excessive or erroneous payment from available current tax collections or from funds appropriated by the unit for making refunds. However, the collector may not make the refund unless:

(1) in the case of a collector who collects taxes for one taxing unit, the governing body of the taxing unit [~~or the governing body of a taxing unit that collects another unit's taxes~~] also determines that the payment was erroneous or excessive and approves the refund if the amount of the refund exceeds:

(A) [(1)] \$2,500 for a refund to be paid by a county with a population of 1.5 million or more; or

(B) [(2)] \$500 for a refund to be paid by any other taxing unit; or

(2) in the case of a collector who collects taxes for

1 more than one taxing unit, the governing body of the taxing unit
2 that employs the collector also determines that the payment was
3 erroneous or excessive and approves the refund if the amount of the
4 refund exceeds \$2,500.

5 SECTION 2. This Act takes effect September 1, 2003, and
6 applies to an application for the refund of an overpayment or
7 erroneous payment of ad valorem taxes filed with a tax collector on
8 or after the effective date of this Act. This Act also applies to an
9 application for the refund of an overpayment or erroneous payment
10 of ad valorem taxes filed with a tax collector before the effective
11 date of this Act if the application is pending on the effective date
12 of this Act.

H.B. No. 3540

President of the Senate

Speaker of the House

I certify that H.B. No. 3540 was passed by the House on May 10, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3540 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor