

1-1 By: Chavez (Senate Sponsor - Shapleigh) H.B. No. 3540
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2003, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a refund of an overpayment or erroneous payment of ad
1-9 valorem taxes by a tax collector who performs consolidated tax
1-10 collection functions.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 31.11(a), Tax Code, is amended to read as
1-13 follows:

1-14 (a) If a taxpayer applies to the tax collector of a taxing
1-15 unit for a refund of an overpayment or erroneous payment of taxes
1-16 and the auditor for the unit determines that the payment was
1-17 erroneous or excessive, the tax collector shall refund the amount
1-18 of the excessive or erroneous payment from available current tax
1-19 collections or from funds appropriated by the unit for making
1-20 refunds. However, the collector may not make the refund unless:

1-21 (1) in the case of a collector who collects taxes for
1-22 one taxing unit, the governing body of the taxing unit [~~or the~~
1-23 ~~governing body of a taxing unit that collects another unit's taxes]~~
1-24 also determines that the payment was erroneous or excessive and
1-25 approves the refund if the amount of the refund exceeds:

1-26 (A) [~~(1)~~] \$2,500 for a refund to be paid by a
1-27 county with a population of 1.5 million or more; or

1-28 (B) [~~(2)~~] \$500 for a refund to be paid by any
1-29 other taxing unit; or

1-30 (2) in the case of a collector who collects taxes for
1-31 more than one taxing unit, the governing body of the taxing unit
1-32 that employs the collector also determines that the payment was
1-33 erroneous or excessive and approves the refund if the amount of the
1-34 refund exceeds \$2,500.

1-35 SECTION 2. This Act takes effect September 1, 2003, and
1-36 applies to an application for the refund of an overpayment or
1-37 erroneous payment of ad valorem taxes filed with a tax collector on
1-38 or after the effective date of this Act. This Act also applies to an
1-39 application for the refund of an overpayment or erroneous payment
1-40 of ad valorem taxes filed with a tax collector before the effective
1-41 date of this Act if the application is pending on the effective date
1-42 of this Act.

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