

By: Van Arsdale

H.B. No. 3255

A BILL TO BE ENTITLED

AN ACT

relating to consolidated collection of ad valorem taxes by the county tax assessor-collector.

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

SECTION 1. Sections 6.21, 6.22, and 6.23, Tax Code, are amended to read as follows:

Sec. 6.21. COUNTY ASSESSOR-COLLECTOR. (a) The assessor-collector for a county is determined as provided by Section 14, Article VIII, [~~Sections 14, 16, and 16a, of the~~] Texas Constitution.

(b) If a county with a population of less than 10,000 authorizes a separate county assessor-collector as provided by Section 14(b), Article VIII, [~~Section 16a, of the~~] Texas Constitution, the commissioners court may appoint a county assessor-collector to serve until an assessor-collector is elected at the next general election and has qualified.

Sec. 6.22. ASSESSOR [~~AND COLLECTOR~~] FOR OTHER TAXING UNITS.

(a) The assessor [~~and collector~~] for a taxing unit other than a county or a home-rule city is [~~are~~] determined by the law creating or authorizing creation of the unit.

(b) The assessor [~~and collector~~] for a home-rule city is [~~are~~] determined by the city's charter and ordinances.

(c) The governing body of a taxing unit authorized to have its own assessor [~~and collector~~] by official action in the manner

1 required by law for official action by the body may require the
2 county to assess [~~and collect~~] the taxes the unit imposes in the
3 county in the manner in which the county assesses [~~and collects~~] its
4 taxes. The governing body of the unit may revoke the requirement at
5 any time by the same official action.

6 Sec. 6.23. DUTIES OF ASSESSOR AND COLLECTOR. (a) The county
7 assessor-collector shall assess [~~and collect~~] taxes on property in
8 the county for the county. The county assessor-collector [~~He~~]
9 shall also assess [~~and collect~~] taxes on property for another
10 taxing unit if:

11 (1) the law creating or authorizing creation of the
12 unit requires it to use the county assessor-collector for the taxes
13 the unit imposes in the county;

14 (2) the law creating or authorizing creation of the
15 unit does not mention who assesses [~~and collects~~] its taxes and the
16 unit imposes taxes in the county;

17 (3) the governing body of the unit requires the county
18 to assess [~~and collect~~] its taxes as provided by Subsection (c) of
19 Section 6.22 of this code; or

20 (4) required by an intergovernmental contract.

21 (b) The assessor [~~and collector~~] for a taxing unit other
22 than a county shall assess [~~, collect, or assess and collect~~]
23 taxes [~~, as applicable,~~] for the unit. The assessor [~~He~~] shall also
24 assess [~~, collect, or assess and collect~~] taxes [~~, as applicable,~~]
25 for another unit if:

26 (1) required by or pursuant to the law creating or
27 authorizing creation of the other unit; or

1 (2) required by an intergovernmental contract.

2 (c) Except as provided by Subsections (d) and (e), the
3 county assessor-collector shall collect taxes on property in the
4 county for each taxing unit that taxes the property.

5 (d) If a taxing unit has territory in more than one county,
6 the county assessor-collector for each county shall collect the
7 taxes imposed by the taxing unit in that county unless the taxing
8 unit contracts to have those taxes collected by the county
9 assessor-collector of another county in which the taxing unit has
10 territory.

11 (e) The collection of taxes for an airport authority is
12 governed by Section 12, Article IX, Texas Constitution.

13 SECTION 2. Section 6.24(a), Tax Code, is amended to read as
14 follows:

15 (a) The governing body of a taxing unit other than a county
16 may contract as provided by the Interlocal Cooperation Act with the
17 governing body of another unit or with the board of directors of an
18 appraisal district for the other unit or the district to perform
19 duties relating to the assessment [~~or collection~~] of taxes.

20 SECTION 3. The heading to Section 6.26, Tax Code, is amended
21 to read as follows:

22 Sec. 6.26. ELECTION TO CONSOLIDATE ASSESSING [~~AND~~
23 ~~COLLECTING~~] FUNCTIONS.

24 SECTION 4. Sections 6.26(a)-(c), (e), (f), (h), and (j),
25 Tax Code, are amended to read as follows:

26 (a) The qualified voters residing in an appraisal district
27 by petition submitted to the county clerk of the county principally

1 served by the appraisal district may require that an election be
2 held to determine whether or not to require the appraisal district,
3 the county assessor-collector, or a specified taxing unit within
4 the appraisal district to assess~~[, collect, or assess and collect]~~
5 property taxes on property appraised by the district for all taxing
6 units.

7 (b) The qualified voters of a taxing unit that assesses~~[, collect, or assesses and collects]~~
8 its own property taxes by
9 petition submitted to the governing body of the taxing unit may
10 require that an election be held to determine whether or not to
11 require the appraisal district, the county assessor-collector, or
12 another taxing unit that is assessing ~~[and collecting]~~ property
13 taxes to assess~~[, collect, or assess and collect]~~ the unit's
14 property taxes.

15 (c) A petition is valid if:

16 (1) it states that it is intended to require an
17 election in the appraisal district or taxing unit on the question of
18 consolidation of assessing ~~[or collecting]~~ functions ~~[or both]~~;

19 (2) it states the functions to be consolidated and
20 identifies the entity or office that will be required to perform the
21 functions; and

22 (3) it is signed by a number of qualified voters equal
23 to at least 10 percent of the number of qualified voters, according
24 to the most recent official list of qualified voters, residing in
25 the appraisal district, if the petition is authorized by Subsection
26 (a) ~~[of this section]~~, or in the taxing unit, if the petition is
27 authorized by Subsection (b) ~~[of this section]~~, or by 10,000

1 qualified voters, whichever number is less.

2 (e) If the commissioners court or the governing body finds
3 that the petition is valid, it shall order that an election be held
4 in the district or taxing unit on the next uniform election date
5 prescribed by the Texas Election Code that is more than 60 days
6 after the last day on which it could have acted to approve or
7 disapprove the petition. At the election, the ballots shall be
8 prepared to permit voting for or against the proposition:
9 "Requiring the (name of entity or office) to [~~assess[, collect,~~
10 ~~or assess and collect, as applicable)~~] property taxes for (all
11 taxing units in the appraisal district for _____ county or
12 name of taxing unit or units, as applicable)."

13 (f) If a majority of the qualified voters voting on the
14 question in the election favor the proposition, the entity or
15 office named by the ballot shall perform the functions named by the
16 ballot beginning with the next time property taxes are assessed [~~or~~
17 ~~collected, as applicable,~~] that is more than 90 days after the date
18 of the election. If the governing bodies (and appraisal district
19 board of directors when the district is involved) agree, a function
20 may be consolidated when performance of the function begins in less
21 than 90 days after the date of the election.

22 (h) If a taxing unit is required by election pursuant to
23 Subsection (b) [~~of this section~~] to assess[~~, collect, or assess and~~
24 ~~collect~~] property taxes for another taxing unit, it also shall
25 perform the functions for all taxing units for which the other unit
26 previously performed those functions pursuant to law or
27 intergovernmental contract.

1 (j) An appraisal district may not be required by an election
2 to assess~~[, collect, or assess and collect]~~ taxes on property
3 outside the district's boundaries. A taxing unit may not be
4 required by an election to assess~~[, collect, or assess and collect]~~
5 taxes on property outside the boundaries of the appraisal district
6 that appraises property for the unit.

7 SECTION 5. Sections 6.27(b) and (c), Tax Code, are amended
8 to read as follows:

9 (b) The county assessor-collector is entitled to a
10 reasonable fee, which may not exceed the lesser of the actual costs
11 incurred or an administrative fee of \$1 for each item of property on
12 which the county assessor-collector assesses or collects taxes, for
13 assessing or ~~[and]~~ collecting taxes for a taxing unit pursuant to
14 Section 6.23(a)(1), (2), or (3) or Section 6.23(c) [Subdivisions
15 ~~(1) through (3) of Subsection (a) of Section 6.23 of this code]~~.

16 (c) The assessor ~~[or collector]~~ for a taxing unit other than
17 a county is entitled to reasonable compensation, which may not
18 exceed the actual costs incurred, for assessing ~~[or collecting]~~
19 taxes for a taxing unit pursuant to Section 6.23(b) [Subsection (b)
20 ~~of Section 6.23 of this code]~~.

21 SECTION 6. The heading to Section 6.28, Tax Code, is amended
22 to read as follows:

23 Sec. 6.28. BONDS FOR STATE, [AND] COUNTY, AND OTHER TAXES.

24 SECTION 7. Section 6.28, Tax Code, is amended by amending
25 Subsections (a) and (e) and adding Subsections (c-1) and (g) to read
26 as follows:

27 (a) Before beginning to perform the duties of office, a

1 person elected or appointed as county assessor-collector must give
2 bonds to the state, ~~and~~ to the county, and to each other taxing
3 unit for which the county assessor-collector collects taxes,
4 conditioned on the faithful performance of the person's duties as
5 assessor-collector.

6 (c-1) The bond for another taxing unit's taxes must be
7 payable to the governing body of the unit in an amount determined by
8 the governing body. To be effective, the bond must be approved and
9 paid for by the governing body. The governing body may prescribe
10 additional requirements for the bond.

11 (e) The assessor-collector's official oath and bonds for
12 state, ~~and~~ county, and other taxes shall be recorded in the office
13 of the county clerk, and the county judge shall submit the bond for
14 state taxes to the state comptroller of public accounts.

15 (g) A taxing unit other than a county shall pay the premium
16 for the bond for the unit's taxes from its general fund or as
17 provided by intergovernmental contract.

18 SECTION 8. Section 6.30(b), Tax Code, is amended to read as
19 follows:

20 (b) The governing body of a taxing unit other than a county
21 may determine who represents the unit to enforce the collection of
22 delinquent taxes. ~~[If a taxing unit collects taxes for another~~
23 ~~taxing unit, the attorney representing the unit to enforce the~~
24 ~~collection of delinquent taxes may represent the other unit with~~
25 ~~consent of its governing body.]~~

26 SECTION 9. Sections 31.03(a) and (b), Tax Code, are amended
27 to read as follows:

1 (a) The commissioners court [~~governing body~~] of a county
2 [~~taxing unit that collects its own taxes~~] may provide, in the manner
3 required by law for official action by the county [~~body~~], that a
4 person who pays one-half of the county's [~~unit's~~] taxes before
5 December 1 may pay the remaining one-half of the taxes without
6 penalty or interest before July 1 of the following year.

7 (b) The split-payment option, if adopted, applies to taxes
8 for all units for which the adopting county [~~taxing unit~~] collects
9 taxes.

10 SECTION 10. Section 31.05(a), Tax Code, is amended to read
11 as follows:

12 (a) The commissioners court [~~governing body~~] of a county
13 [~~taxing unit that collects its own taxes~~] may adopt the discounts
14 provided by Subsection (b) or Subsection (c) [~~of this section~~], or
15 both, in the manner required by law for official action by the
16 county [~~body~~]. The discounts, if adopted, apply to taxes for a
17 taxing unit for which the adopting county [~~taxing unit~~] collects
18 taxes if the governing body of the other unit, in the manner
19 required by law for official action by the body, adopts the
20 discounts or approves of their application to its taxes by the
21 collecting county [~~unit~~]. If a taxing unit adopts both discounts
22 under Subsections (b) and (c) [~~of this section~~], the discounts
23 adopted under Subsection (b) apply unless the unit mails its tax
24 bills after September 30, in which case only the discounts under
25 Subsection (c) apply.

26 SECTION 11. Sections 31.072(a) and (e), Tax Code, are
27 amended to read as follows:

1 (a) The county assessor-collector [~~collector for a taxing~~
2 ~~unit~~] may enter a contract with a property owner under which the
3 property owner deposits money in an escrow account maintained by
4 the county assessor-collector [~~collector~~] to provide for the
5 payment of property taxes collected by the county
6 assessor-collector [~~collector~~] on any property the person owns.

7 (e) The county tax assessor-collector shall maintain the
8 escrow account in the county depository. [~~Any other collector~~
9 ~~shall maintain the escrow account in the depository of the taxing~~
10 ~~unit or other entity that employs the collector.~~] The collector is
11 not required to maintain a separate account in the depository for
12 each escrow account but shall maintain separate records for each
13 escrow account.

14 SECTION 12. Section 31.08(a), Tax Code, is amended to read
15 as follows:

16 (a) At the request of any person, the county
17 assessor-collector [~~a collector for a taxing unit~~] shall issue a
18 certificate showing the amount of delinquent taxes, penalties, and
19 interest due [~~the unit on a property according to the unit's current~~
20 ~~tax records. If the collector collects taxes for more than one~~
21 ~~taxing unit, the certificate must show the amount of delinquent~~
22 ~~taxes, penalties, and interest due~~] on the property to each taxing
23 unit for which the county assessor-collector [~~collector~~] collects
24 the taxes. The county assessor-collector [~~collector~~] shall charge
25 a fee not to exceed \$10 for each certificate issued. The county
26 assessor-collector [~~collector~~] shall pay all fees collected under
27 this section into the county treasury [~~of the taxing unit that~~

1 employs him].

2 SECTION 13. Section 31.11(a), Tax Code, is amended to read
3 as follows:

4 (a) If a taxpayer applies to the county assessor-collector
5 [~~tax collector of a taxing unit~~] for a refund of an overpayment or
6 erroneous payment of taxes and the county auditor [~~for the unit~~]
7 determines that the payment was erroneous or excessive, the county
8 assessor-collector [~~tax collector~~] shall refund the amount of the
9 excessive or erroneous payment from available current tax
10 collections or from funds appropriated by the county [~~unit~~] for
11 making refunds. However, the collector may not make the refund
12 unless[+

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

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

19 [~~(B) \$500 for a refund to be paid by any other~~
20 ~~taxing unit, or~~

21 [~~(2) in the case of a collector who collects taxes for~~
22 ~~more than one taxing unit,~~] the commissioners court [~~governing body~~
23 ~~of the taxing unit that employs the collector~~] also determines that
24 the payment was erroneous or excessive and approves the refund if
25 the amount of the refund exceeds \$2,500.

26 SECTION 14. Section 33.02(a), Tax Code, is amended to read
27 as follows:

1 (a) The county assessor-collector [~~collector for a taxing~~
2 ~~unit that collects its own taxes~~] may enter an agreement with a
3 person delinquent in the payment of the tax collected by the county
4 asessor-collector for payment of the tax, penalties, and interest
5 in installments. The agreement must be in writing and may not
6 extend for a period of more than 36 months.

7 SECTION 15. Sections 6.29, 31.03(c), and 31.10(d), Tax
8 Code, are repealed.

9 SECTION 16. (a) The changes in law made by this Act apply to
10 the collection of ad valorem taxes on or after the effective date of
11 this Act that are imposed for tax years beginning before, on, or
12 after the effective date of this Act.

13 (b) On the effective date of this Act:

14 (1) the collector for a taxing unit other than a county
15 shall transfer to the county assessor-collector all records of the
16 collector, or copies of those records, pertaining to the collection
17 of taxes for the taxing unit; and

18 (2) the county assessor-collector is substituted for
19 the collector in any tax collection proceeding instituted by the
20 collector that is pending on the effective date of this Act.

21 SECTION 17. This Act takes effect September 1, 2005.