

1-1 By: Staples S.B. No. 1652
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Finance; May 11, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 10, Nays 0; May 11, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1652 By: Staples

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the administration of ad valorem taxation and to
1-10 certain measures involving school district property values.

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

1-12 SECTION 1. Subsection (b), Section 403.303, Government
1-13 Code, is amended to read as follows:

1-14 (b) After receipt of a petition, the comptroller shall hold
1-15 a hearing. The comptroller has the burden to prove the accuracy of
1-16 the findings. Until a final decision is made by the comptroller,
1-17 the taxable value of property in the district is determined, with
1-18 respect to property subject to the protest, according to the value
1-19 claimed by the school district or property owner, except that the
1-20 value to be used while a final decision is pending may not be less
1-21 than the appraisal roll value for the year of the study. If after a
1-22 hearing the comptroller concludes that the findings should be
1-23 changed, the comptroller shall order the appropriate changes and
1-24 shall certify ~~[the changes]~~ to the commissioner of education the
1-25 changes in the values of the school district that brought the
1-26 protest, the values of the school district named by the property
1-27 owner who brought the protest, or, if the comptroller by rule allows
1-28 an appraisal district to bring a protest, the values of the school
1-29 district named by the appraisal district that brought the protest.
1-30 The comptroller may not order a change in the values of a school
1-31 district as a result of a protest brought by another school
1-32 district, a property owner in the other school district, or an
1-33 appraisal district that appraises property for the other school
1-34 district. The comptroller shall complete all protest hearings and
1-35 certify all changes as necessary to comply with Chapter 42,
1-36 Education Code. A hearing conducted under this subsection is not a
1-37 contested case for purposes of Section 2001.003.

1-38 SECTION 2. Section 1.08, Tax Code, is amended to read as
1-39 follows:

1-40 Sec. 1.08. TIMELINESS OF ACTION BY MAIL. When a property
1-41 owner is required by this title to make a payment or to file or
1-42 deliver a report, application, statement, or other document or
1-43 paper by ~~[before]~~ a specified due date, his action is timely if:

1-44 (1) it is sent by regular first-class mail, properly
1-45 addressed with postage prepaid; and

1-46 (2) it bears a post office cancellation mark of a date
1-47 earlier than or on the specified due date and within the specified
1-48 period or the property owner furnishes satisfactory proof that it
1-49 was deposited in the mail on or before the specified due date and
1-50 within the specified period.

1-51 SECTION 3. Subsection (b), Section 1.085, Tax Code, as
1-52 amended by Chapters 984 and 1173, Acts of the 78th Legislature,
1-53 Regular Session, 2003, is reenacted to read as follows:

1-54 (b) An agreement between a chief appraiser and a property
1-55 owner must:

1-56 (1) be in writing;

1-57 (2) be signed by the chief appraiser and the property
1-58 owner; and

1-59 (3) specify:

1-60 (A) the medium of communication;

1-61 (B) the type of communication covered;

1-62 (C) the means for protecting the security of a
1-63 communication;

2-1 (D) the means for confirming delivery of a
 2-2 communication; and

2-3 (E) the electronic mail address of the property
 2-4 owner or person designated to represent the property owner under
 2-5 Section 1.111, as applicable.

2-6 SECTION 4. Subsections (a) and (b), Section 5.05, Tax Code,
 2-7 are amended to read as follows:

2-8 (a) The comptroller may ~~[shall]~~ prepare and issue
 2-9 publications relating to the appraisal of property and the
 2-10 administration of taxes, or may approve other publications relating
 2-11 to those matters, including materials published by The Appraisal
 2-12 Foundation, the International Association of Assessing Officers,
 2-13 or other professionally recognized organizations, for use in the
 2-14 administration of property taxes, including:

2-15 (1) a general appraisal manual;
 2-16 (2) special appraisal manuals as authorized by law;
 2-17 (3) cost, price, and depreciation schedules as
 2-18 authorized by law~~[, with provision for inserting local market index~~
 2-19 ~~factors and with a standard procedure for determining local market~~
 2-20 ~~index factors];~~

2-21 (4) periodic news and reference bulletins;
 2-22 (5) an annotated version of this title and Title 3
 2-23 ~~[digests of all laws relating to property taxation]; and~~

2-24 (6) a handbook containing selected laws and ~~[of]~~ all
 2-25 rules promulgated by the comptroller relating to the property tax
 2-26 and its administration.

2-27 (b) The comptroller shall revise or supplement all
 2-28 materials issued by the comptroller or approve other publications
 2-29 periodically as necessary to keep them current.

2-30 SECTION 5. Section 6.05, Tax Code, is amended by adding
 2-31 Subsection (i) to read as follows:

2-32 (i) To ensure adherence with generally accepted appraisal
 2-33 practices, the board of directors of an appraisal district shall
 2-34 develop biennially a written plan for the periodic reappraisal of
 2-35 all property within the boundaries of the district according to the
 2-36 requirements of Section 25.18 and shall hold a public hearing to
 2-37 consider the proposed plan. Not later than the 10th day before the
 2-38 date of the hearing, the secretary of the board shall deliver to the
 2-39 presiding officer of the governing body of each taxing unit
 2-40 participating in the district a written notice of the date, time,
 2-41 and place for the hearing. Not later than September 15 of each
 2-42 even-numbered year, the board shall complete its hearings, make any
 2-43 amendments, and by resolution finally approve the plan. Copies of
 2-44 the approved plan shall be distributed to the presiding officer of
 2-45 the governing body of each taxing unit participating in the
 2-46 district and to the comptroller within 60 days of the approval date.

2-47 SECTION 6. Section 11.161, Tax Code, is amended to read as
 2-48 follows:

2-49 Sec. 11.161. IMPLEMENTS OF HUSBANDRY. Machinery and
 2-50 equipment items ~~[Implements of husbandry]~~ that are used in the
 2-51 production of farm or ranch products or of timber, regardless of
 2-52 their primary design, are considered to be implements of husbandry
 2-53 and are exempt from ad valorem taxation.

2-54 SECTION 7. Subsection (a), Section 11.439, Tax Code, is
 2-55 amended to read as follows:

2-56 (a) The chief appraiser shall accept and approve or deny an
 2-57 application for an exemption under Section 11.22 after the filing
 2-58 deadline provided by Section 11.43 if the application is filed not
 2-59 later than one year after the delinquency date for the taxes on the
 2-60 property ~~[the first anniversary of the earlier of:~~

2-61 ~~(1) the date the taxes on the property were paid; or~~
 2-62 ~~(2) the date the taxes became delinquent].~~

2-63 SECTION 8. Subsections (a) and (b), Section 25.18, Tax
 2-64 Code, are amended to read as follows:

2-65 (a) Each appraisal office shall implement the ~~[a]~~ plan for
 2-66 periodic reappraisal of property approved by the board of directors
 2-67 under Section 6.05(i) ~~[to update appraised values].~~

2-68 (b) The plan shall provide for the following reappraisal
 2-69 activities for ~~[of]~~ all real and personal property in the district

- 3-1 at least once every three years:
- 3-2 (1) identifying properties to be appraised through
- 3-3 physical inspection or by other reliable means of identification,
- 3-4 including deeds or other legal documentation, aerial photographs,
- 3-5 land-based photographs, surveys, maps, and property sketches;
- 3-6 (2) identifying and updating relevant characteristics
- 3-7 of each property in the appraisal records;
- 3-8 (3) defining market areas in the district;
- 3-9 (4) identifying property characteristics that affect
- 3-10 property value in each market area, including:
- 3-11 (A) the location and market area of property;
- 3-12 (B) physical attributes of property, such as
- 3-13 size, age, and condition;
- 3-14 (C) legal and economic attributes; and
- 3-15 (D) easements, covenants, leases, reservations,
- 3-16 contracts, declarations, special assessments, ordinances, or legal
- 3-17 restrictions;
- 3-18 (5) developing an appraisal model that reflects the
- 3-19 relationship among the property characteristics affecting value in
- 3-20 each market area and determines the contribution of individual
- 3-21 property characteristics;
- 3-22 (6) applying the conclusions reflected in the model to
- 3-23 the characteristics of the properties being appraised; and
- 3-24 (7) reviewing the appraisal results to determine
- 3-25 value.

3-26 SECTION 9. Subsection (b), Section 25.19, Tax Code, as
 3-27 amended by Chapters 1358 and 1517, Acts of the 76th Legislature,
 3-28 Regular Session, 1999, is reenacted to read as follows:

3-29 (b) The chief appraiser shall separate real from personal
 3-30 property and include in the notice for each:

- 3-31 (1) a list of the taxing units in which the property is
- 3-32 taxable;
- 3-33 (2) the appraised value of the property in the
- 3-34 preceding year;
- 3-35 (3) the taxable value of the property in the preceding
- 3-36 year for each taxing unit taxing the property;
- 3-37 (4) the appraised value of the property for the
- 3-38 current year and the kind and amount of each partial exemption, if
- 3-39 any, approved for the current year;
- 3-40 (5) if the appraised value is greater than it was in
- 3-41 the preceding year, the amount of tax that would be imposed on the
- 3-42 property on the basis of the tax rate for the preceding year;
- 3-43 (6) in italic typeface, the following statement: "The
- 3-44 Texas Legislature does not set the amount of your local taxes. Your
- 3-45 property tax burden is decided by your locally elected officials,
- 3-46 and all inquiries concerning your taxes should be directed to those
- 3-47 officials";
- 3-48 (7) a detailed explanation of the time and procedure
- 3-49 for protesting the value;
- 3-50 (8) the date and place the appraisal review board will
- 3-51 begin hearing protests; and
- 3-52 (9) a brief explanation that the governing body of
- 3-53 each taxing unit decides whether or not taxes on the property will
- 3-54 increase and the appraisal district only determines the value of
- 3-55 the property.

3-56 SECTION 10. Subsection (c), Section 25.19, Tax Code, is
 3-57 amended to read as follows:

3-58 (c) In the case of the residence homestead of a person 65
 3-59 years of age or older or disabled that is subject to the limitation
 3-60 on a tax increase over the preceding year for school tax purposes,
 3-61 the chief appraiser shall indicate on the notice that the preceding
 3-62 year's taxes may not be increased.

3-63 SECTION 11. Subsection (a), Section 26.05, Tax Code, is
 3-64 amended to read as follows:

3-65 (a) The governing body of each taxing unit, before the later
 3-66 of September 30 or the 60th day after the date the certified
 3-67 appraisal roll is received by the taxing unit, shall adopt a tax
 3-68 rate for the current tax year and shall notify the assessor for the
 3-69 unit of the rate adopted. The tax rate consists of two components,

each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate published under Section 44.004(c)(2)(A)(ii)(b), Education Code; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

SECTION 12. Subsection (a), Section 111.301, Tax Code, is amended to read as follows:

(a) An eligible person is entitled to a refund of state sales and use taxes imposed under Chapter 151 and state franchise taxes imposed under Chapter 171 paid in a calendar year for which the person paid ad valorem taxes to a school district on property that in that year is:

(1) located in a reinvestment zone established under Chapter 312;

(2) exempt in whole or in part from the payment of ad valorem taxes imposed by a municipality or a county under a tax abatement agreement entered into with the municipality or county under Chapter 312; and

(3) not subject to a tax abatement agreement or an agreement to limit the appraised value of property under Chapter 313 entered into by the school district.

SECTION 13. Section 111.304, Tax Code, is amended to read as follows:

Sec. 111.304. EVALUATION; BIENNIAL [~~ANNUAL~~] REPORT. Not later than December 31 [~~1~~] of each even-numbered year, the comptroller shall submit a [~~an annual~~] report to the legislature. The report:

(1) must document the applications for refunds filed with the comptroller under this subchapter;

(2) must document the refunds paid by the comptroller under this chapter; and

(3) may include any other relevant information that the comptroller determines is applicable to this subchapter or to Chapter 312.

SECTION 14. Subsection (a), Section 312.204, Tax Code, as amended by Chapters 560, 640, and 1258, Acts of the 77th Legislature, Regular Session, 2001, is reenacted to read as follows:

(a) The governing body of a municipality eligible to enter into tax abatement agreements under Section 312.002 may agree in writing with the owner of taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt from taxation a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed 10 years, on the condition that the owner of the property make specific improvements or repairs to the property. The governing body of an eligible municipality may agree in writing with the owner of a leasehold interest in tax-exempt real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt a portion of the value of property subject to ad valorem taxation, including the leasehold interest, improvements, or tangible personal property located on the real property, for a period not to exceed 10 years, on the condition that the owner of the leasehold interest make specific improvements or repairs to the real property. A tax abatement agreement under this section is subject to the rights of holders of outstanding bonds of the municipality. An agreement exempting taxable real property or leasehold interests or improvements on tax-exempt real property may provide for the exemption of such taxable interests in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement exempting tangible personal property located on taxable or tax-exempt real property

5-1 may provide for the exemption of tangible personal property located
5-2 on the real property in each year covered by the agreement other
5-3 than tangible personal property that was located on the real
5-4 property at any time before the period covered by the agreement with
5-5 the municipality, including inventory and supplies. In a
5-6 municipality that has a comprehensive zoning ordinance, an
5-7 improvement, repair, development, or redevelopment taking place
5-8 under an agreement under this section must conform to the
5-9 comprehensive zoning ordinance.

5-10 SECTION 15. Subsection (e), Section 39.903, Utilities Code,
5-11 as amended by Chapters 1394, 1451, and 1466, Acts of the 77th
5-12 Legislature, Regular Session, 2001, is reenacted and amended to
5-13 read as follows:

5-14 (e) Money in the system benefit fund may be appropriated to
5-15 provide funding solely for the following regulatory purposes, ~~and~~
5-16 in the following order of priority:

5-17 (1) programs to assist low-income electric customers
5-18 by providing the 10 percent reduced rate prescribed by Subsection
5-19 (h);

5-20 (2) customer education programs, administrative
5-21 expenses incurred by the commission in implementing and
5-22 administering this chapter, and expenses incurred by the office
5-23 under this chapter;

5-24 (3) programs to assist low-income electric customers
5-25 by providing the targeted energy efficiency programs described by
5-26 Subsection (f)(2);

5-27 (4) ~~[the school funding loss mechanism provided by~~
5-28 ~~Section 39.901,~~

5-29 ~~[(5)]~~ programs to assist low-income electric
5-30 customers by providing the 20 percent reduced rate prescribed by
5-31 Subsection (h); and

5-32 (5) ~~[(6)]~~ reimbursement to the commission and the
5-33 Health and Human Services Commission ~~[Texas Department of Human~~
5-34 ~~Services]~~ for expenses incurred in the implementation and
5-35 administration of an integrated eligibility process created under
5-36 Section 17.007 for customer service discounts relating to retail
5-37 electric service, including outreach expenses the commission
5-38 determines are reasonable and necessary.

5-39 SECTION 16. The following statutes are repealed:

5-40 (1) Subsections (e) and (f), Section 1.085, Tax Code,
5-41 as added by Chapter 984, Acts of the 78th Legislature, Regular
5-42 Session, 2003; and

5-43 (2) Section 39.901, Utilities Code.

5-44 SECTION 17. (a) Except as provided by Subsection (b) of
5-45 this section, this Act takes effect September 1, 2005.

5-46 (b) Section 6 of this Act takes effect January 1, 2006.

5-47 * * * * *