

By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 967
(In the Senate - Received from the House April 10, 2007;
April 11, 2007, read first time and referred to Subcommittee on
Agriculture, Rural Affairs and Coastal Resources; May 22, 2007,
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May 22, 2007, reported favorably by the following vote: Yeas 7,
Nays 0; May 22, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the reappraisal for ad valorem tax purposes of
agricultural or open-space land on which the Texas Animal Health
Commission has established a temporary quarantine for ticks.

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

SECTION 1. This Act may be cited as the Rancher Relief Act.

SECTION 2. Subchapter C, Chapter 23, Tax Code, is amended by
adding Section 23.48 to read as follows:

Sec. 23.48. REAPPRAISAL OF LAND SUBJECT TO TEMPORARY
QUARANTINE FOR TICKS. (a) An owner of land designated for
agricultural use on which the Texas Animal Health Commission has
established a temporary quarantine of at least 90 days in length in
the current tax year for the purpose of regulating the handling of
livestock and eradicating ticks or exposure to ticks at any time
during a tax year is entitled to a reappraisal of the owner's land
for that year on written request delivered to the chief appraiser.

(b) As soon as practicable after receiving a request for
reappraisal, the chief appraiser shall complete the reappraisal.
In determining the appraised value of the land under Section 23.41,
the effect on the value of the land caused by the infestation of
ticks is an additional factor that must be taken into account. The
appraised value of land reappraised under this section may not
exceed the lesser of:

(1) the market value of the land as determined by other
appraisal methods; or

(2) one-half of the original appraised value of the
land for the current tax year.

(c) A property owner may not be required to pay the
appraisal district for the costs of making the reappraisal. Each
taxing unit that participates in the appraisal district and imposes
taxes on the land shall share the costs of the reappraisal in the
proportion the total dollar amount of taxes imposed by that taxing
unit on that land in the preceding year bears to the total dollar
amount of taxes all taxing units participating in the appraisal
district imposed on the land in the preceding year.

(d) If land is reappraised as provided by this section, the
governing body of each taxing unit that participates in the
appraisal district and imposes taxes on the land shall provide for
prorating the taxes on the land for the tax year in which the
reappraisal is conducted. If the taxes are prorated, taxes due on
the land are determined as follows: the taxes on the land based on
its value on January 1 of that year are multiplied by a fraction,
the denominator of which is 365 and the numerator of which is the
number of days in that year before the date the reappraisal was
conducted; the taxes on the land based on its reappraised value are
multiplied by a fraction, the denominator of which is 365 and the
numerator of which is the number of days, including the date the
reappraisal was conducted, remaining in the year; and the total of
the two amounts is the amount of taxes imposed on the land for that
year. Notwithstanding Section 26.15, the assessor for each
applicable taxing unit shall enter the reappraised value on the
appropriate tax roll together with the original appraised value and
the calculation of the taxes imposed on the land under this section.
If for any tax year the reappraisal results in a decrease in the tax
liability of the landowner, the assessor for the taxing unit shall
prepare and mail a new tax bill in the manner provided by Chapter

31. If the owner has paid the tax, each taxing unit that imposed taxes on the land in that year shall promptly refund the difference between the tax paid and the tax due on the lower appraised value.

(e) In appraising the land for any subsequent tax year in which the Texas Animal Health Commission quarantine remains in place, the chief appraiser shall continue to take into account the effect on the value of the land caused by the infestation of ticks.

(f) If the owner of the land is informed by the Texas Animal Health Commission that the quarantine is no longer in place, not later than the 30th day after the date on which the owner received that information the owner of the land shall so notify the chief appraiser in writing. If the owner fails to notify the chief appraiser as required by this subsection, a penalty is imposed on the property equal to 10 percent of the difference between the taxes imposed on the property in each year it is erroneously allowed appraisal under this section and the taxes that would otherwise have been imposed.

(g) The chief appraiser shall make an entry in the appraisal records for the property against which the penalty is imposed indicating liability for the penalty and shall deliver a written notice of imposition of the penalty to the person who owns the property. The notice shall include a brief explanation of the procedures for protesting the imposition of the penalty. The assessor for each taxing unit that imposed taxes on the property on the basis of appraisal under this section shall add the amount of the penalty to the unit's tax bill for taxes on the property against which the penalty is imposed. The penalty shall be collected at the same time and in the same manner as the taxes on the property against which the penalty is imposed. The amount of the penalty constitutes a lien on the property against which the penalty is imposed and accrues penalty and interest in the same manner as a delinquent tax.

SECTION 3. Subchapter D, Chapter 23, Tax Code, is amended by adding Section 23.60 to read as follows:

Sec. 23.60. REAPPRAISAL OF LAND SUBJECT TO TEMPORARY QUARANTINE FOR TICKS. (a) An owner of qualified open-space land, other than land used for wildlife management, on which the Texas Animal Health Commission has established a temporary quarantine of at least 90 days in length in the current tax year for the purpose of regulating the handling of livestock and eradicating ticks or exposure to ticks at any time during a tax year is entitled to a reappraisal of the owner's land for that year on written request delivered to the chief appraiser.

(b) As soon as practicable after receiving a request for reappraisal, the chief appraiser shall complete the reappraisal. In determining the appraised value of the land under Section 23.52, the effect on the value of the land caused by the infestation of ticks is an additional factor that must be taken into account. The appraised value of land reappraised under this section may not exceed the lesser of:

(1) the market value of the land as determined by other appraisal methods; or

(2) one-half of the original appraised value of the land for the current tax year.

(c) A property owner may not be required to pay the appraisal district for the costs of making the reappraisal. Each taxing unit that participates in the appraisal district and imposes taxes on the land shall share the costs of the reappraisal in the proportion the total dollar amount of taxes imposed by that taxing unit on that land in the preceding year bears to the total dollar amount of taxes all taxing units participating in the appraisal district imposed on that land in the preceding year.

(d) If land is reappraised as provided by this section, the governing body of each taxing unit that participates in the appraisal district and imposes taxes on the land shall provide for prorating the taxes on the land for the tax year in which the reappraisal is conducted. If the taxes are prorated, taxes due on the land are determined as follows: the taxes on the land based on its value on January 1 of that year are multiplied by a fraction,

the denominator of which is 365 and the numerator of which is the number of days in that year before the date the reappraisal was conducted; the taxes on the land based on its reappraised value are multiplied by a fraction, the denominator of which is 365 and the numerator of which is the number of days, including the date the reappraisal was conducted, remaining in the year; and the total of the two amounts is the amount of taxes imposed on the land for that year. Notwithstanding Section 26.15, the assessor for each applicable taxing unit shall enter the reappraised value on the appropriate tax roll together with the original appraised value and the calculation of the taxes imposed on the land under this section. If for any tax year the reappraisal results in a decrease in the tax liability of the landowner, the assessor for the taxing unit shall prepare and mail a new tax bill in the manner provided by Chapter 31. If the owner has paid the tax, each taxing unit that imposed taxes on the land in that year shall promptly refund the difference between the tax paid and the tax due on the lower appraised value.

(e) In appraising the land for any subsequent tax year in which the Texas Animal Health Commission quarantine remains in place, the chief appraiser shall continue to take into account the effect on the value of the land caused by the infestation of ticks.

(f) If the owner of the land is informed by the Texas Animal Health Commission that the quarantine is no longer in place, not later than the 30th day after the date on which the owner received that information the owner of the land shall so notify the chief appraiser. If the owner fails to notify the chief appraiser as required by this subsection, a penalty is imposed on the property equal to 10 percent of the difference between the taxes imposed on the property in each year it is erroneously allowed appraisal under this section and the taxes that would otherwise have been imposed.

(g) The chief appraiser shall make an entry in the appraisal records for the property against which the penalty is imposed indicating liability for the penalty and shall deliver a written notice of imposition of the penalty to the person who owns the property. The notice shall include a brief explanation of the procedures for protesting the imposition of the penalty. The assessor for each taxing unit that imposed taxes on the property on the basis of appraisal under this section shall add the amount of the penalty to the unit's tax bill for taxes on the property against which the penalty is imposed. The penalty shall be collected at the same time and in the same manner as the taxes on the property against which the penalty is imposed. The amount of the penalty constitutes a lien on the property against which the penalty is imposed and accrues penalty and interest in the same manner as a delinquent tax.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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