

By: Swinford

H.B. No. 1680

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the required payment of taxes by property owners who  
3 appeal certain ad valorem tax determinations.

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

5 SECTION 1. Section 42.08, Tax Code, is amended by amending  
6 Subsections (b) and (c) and adding Subsection (b-1) to read as  
7 follows:

8 (b) Except as provided by Subsections (b-1) and [~~in~~  
9 ~~Subsection~~] (d), a property owner who appeals as provided by this  
10 chapter must pay taxes on the property subject to the appeal in the  
11 amount required by this subsection before the delinquency date or  
12 the property owner forfeits the right to proceed to a final  
13 determination of the appeal. The amount of taxes the property owner  
14 must pay on the property before the delinquency date to comply with  
15 this subsection is the lesser of:

16 (1) the amount of taxes due on the portion of the  
17 taxable value of the property that is not in dispute; or

18 (2) the amount of taxes due on the property under the  
19 order from which the appeal is taken.

20 (b-1) This subsection applies only to an appeal in which the  
21 taxable value of the property subject to the appeal as determined by  
22 the order from which the appeal is taken is greater than 20 percent  
23 of the total taxable value of all property included on the appraisal  
24 roll certified to the assessor for any taxing unit that imposes

1 taxes on the property for the tax year to which the appeal applies.  
2 The amount of taxes the property owner must pay on the property  
3 before the delinquency date in order to proceed to a determination  
4 of the appeal is the amount of taxes due on the property under the  
5 order from which the appeal is taken.

6 (c) A property owner that pays an amount of taxes greater  
7 than that required by Subsection (b) or (b-1) does not forfeit the  
8 property owner's right to a final determination of the appeal by  
9 making the payment. If the property owner files a timely appeal  
10 under this chapter, taxes paid on the property are considered paid  
11 under protest, even if paid before the appeal is filed.

12 SECTION 2. The changes in law made by this Act apply only to  
13 an appeal under Chapter 42, Tax Code, that is filed on or after the  
14 effective date of this Act. An appeal under Chapter 42, Tax Code,  
15 that was filed before the effective date of this Act is governed by  
16 the law in effect on the date the appeal was filed, and the former  
17 law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.