

By: Williams

S.B. No. 1063

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the governing body of a taxing unit to waive penalties and interest on a delinquent ad valorem tax.

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

SECTION 1. Subsections (a) and (d), Section 33.011, Tax Code, are amended to read as follows:

(a) The governing body of a taxing unit:

(1) shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the date the taxpayer knows or should know of the delinquency; ~~and~~

(2) may waive penalties and provide for the waiver of interest on a delinquent tax if:

(A) the property for which the tax is owed is acquired by a religious organization; and

(B) before the first anniversary of the date the religious organization acquires the property, the organization pays the tax and qualifies the property for an exemption under Section 11.20 as evidenced by the approval of the exemption by the chief appraiser under Section 11.45; and

(3) may waive penalties and provide for the waiver of

1 interest on a delinquent tax if the taxpayer submits evidence
2 showing that:

3 (A) the taxpayer attempted to pay the tax before
4 the delinquency date by mail;

5 (B) the taxpayer mailed the tax payment to an
6 incorrect address that in a prior tax year was the correct address
7 for payment of the taxpayer's tax;

8 (C) the payment was mailed to the incorrect
9 address within one year of the date that the former address ceased
10 to be the correct address for payment of the tax; and

11 (D) the taxpayer paid the tax not later than the
12 21st day after the date the taxpayer knew or should have known of
13 the delinquency.

14 (d) A request for a waiver of penalties and interest under
15 Subsection (a)(1) or (3), (b), or (h) must be made before the 181st
16 day after the delinquency date. A request for a waiver of penalties
17 and interest under Subsection (a)(2) must be made before the first
18 anniversary of the date the religious organization acquires the
19 property. To be valid, a waiver of penalties or interest under this
20 section must be requested in writing. If a written request for a
21 waiver is not timely made, the governing body of a taxing unit may
22 not waive any penalties or interest under this section.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.