

SENATE AMENDMENTS

2nd Printing

By: Swinford

H.B. No. 1680

A BILL TO BE ENTITLED

AN ACT

1
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 adding
6 Subsection (b-1) to read as follows:

7 (b-1) This subsection applies only to an appeal in which the
8 property owner elects to pay the amount of taxes described by
9 Subsection (b)(1). The notice of appeal filed by the property owner
10 must be accompanied by a statement in writing of the amount of taxes
11 the property owner proposes to pay.

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.

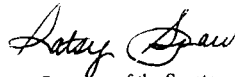
FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 1680 in SECTION 1 of the bill, added
2 Subsection (b-1), Section 42.08, Tax Code (Senate committee
3 printing, page 1, line 16), by striking "notice of".

ADOPTED

MAY 22 2007


Secretary of the Senate

1
2

ADOPTED

MAY 22 2007

Haley Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Will*

1 Amend H.B. No. 1680 (Senate committee printing) as follows:

2 (1) Add the following SECTION to the bill, appropriately
3 numbered, and renumber existing SECTIONS accordingly:

4 SECTION _____. Section 42.02, Tax Code, is amended to read as
5 follows:

6 Sec. 42.02. RIGHT OF APPEAL BY CHIEF APPRAISER. (a) On
7 written approval of the board of directors of the appraisal
8 district, the chief appraiser is entitled to appeal an order of the
9 appraisal review board determining:

10 (1) a taxpayer protest as provided by Subchapter C,
11 Chapter 41, subject to Subsection (b); or

12 (2) a taxpayer's motion to change the appraisal roll
13 filed under Section 25.25.

14 (b) Except as provided by Subsection (c), the chief
15 appraiser may not appeal an order of the appraisal review board
16 determining a taxpayer protest under Subsection (a)(1) if:

17 (1) the protest involved a determination of the
18 appraised or market value of the taxpayer's property and that value
19 according to the order that is the subject of the appeal is less
20 than \$1 million; or

21 (2) for any other taxpayer protest, the property to
22 which the protest applies has an appraised value according to the
23 appraisal roll for the current year of less than \$1 million.

24 (c) On written approval of the board of directors of the
25 appraisal district, the chief appraiser may appeal an order of the
26 appraisal review board determining a taxpayer protest otherwise
27 prohibited by Subsection (b), if the chief appraiser alleges that
28 the taxpayer or a person acting on behalf of the taxpayer committed
29 fraud, made a material misrepresentation, or presented fraudulent

1 evidence in the hearing before the board. In an appeal under this
2 subsection, the court shall first consider whether the taxpayer or
3 a person acting on behalf of the taxpayer committed fraud, made a
4 material misrepresentation, or presented fraudulent evidence to
5 the appraisal review board. If the court does not find by a
6 preponderance of the evidence that the taxpayer or a person acting
7 on behalf of the taxpayer committed fraud, made a material
8 misrepresentation, or presented fraudulent evidence to the
9 appraisal review board, the court shall:

10 (1) dismiss the appeal; and

11 (2) award court costs and reasonable attorney's fees
12 to the taxpayer.

13 (2) In SECTION 2 of the bill, the applicability provisions
14 (on page 1), strike line 19 and substitute the following:

15 SECTION _____. (a) The change in law made by this Act to
16 Section 42.02, Tax Code, applies only to an appeal by a chief
17 appraiser from an order of an appraisal review board that was issued
18 on or after the effective date of this Act. An appeal by a chief
19 appraiser from an order of an appraisal review board that was issued
20 before the effective date of this Act is governed by the law in
21 effect when the order of the appraisal review board was issued, and
22 the former law is continued in effect for that purpose.

23 (b) The change in law made by this Act to Section 42.08, Tax
24 Code, applies only to

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1680 by Swinford (Relating to the required payment of taxes by property owners who appeal certain ad valorem tax determinations.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Section 42.08 of the Tax Code to require a property owner to include in the notice of a district court appeal a written statement of the amount of property taxes the property owner proposes to pay if the property owner elects to pay the amount of taxes not in dispute.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, DB, CT, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 23, 2007

TO: Honorable Fred Hill, Chair, House Committee on Local Government Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1680** by Swinford (Relating to the required payment of taxes by property owners who appeal certain ad valorem tax determinations.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Section 42.08 of the Tax Code to change the amount that an owner of property that makes up the five greatest taxable values for a taxing authority must pay on the property before the delinquency date in order to proceed to a district court determination of appeal.

Because the state is constitutionally prohibited from imposing a state property tax, there would be no direct fiscal impact on the state.

Passage of the bill would result in a large number of taxpayers paying a greater undetermined amount of taxes to taxing units in order to proceed with a lawsuit in state district court. The Comptroller's Property Tax Division does not receive or maintain information from appraisal districts or taxing units that would be helpful in determining the impact of the bill.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2007. It would apply only to a district court appeal filed on or after the effective date of the bill.

Local Government Impact

Passage of the bill would result in a large number of taxpayers paying a greater undetermined amount of taxes to taxing units in order to proceed with a lawsuit in state district court.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

TO: Honorable Fred Hill, Chair, House Committee on Local Government Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1680 by Swinford (Relating to the required payment of taxes by property owners who appeal certain ad valorem tax determinations.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Section 42.08 of the Tax Code to change the amount that an owner of property that makes up more than 20 percent of the taxable value of all property included on the appraisal roll for any taxing unit must pay on the property before the delinquency date in order to proceed to a district court determination of appeal.

Current law allows an owner, before proceeding to district court, to pay taxes on the property the lesser of: 1) the amount of taxes due on the portion of the taxable value of the property that is not in dispute; or 2) the amount of taxes due on the property under the order from which the appeal is taken. Under the bill, the amount to be paid would be the amount of taxes due on the property under the appraisal review board order from which the district court appeal was taken.

Because the state is constitutionally prohibited from imposing a state property tax, there would be no direct fiscal impact on the state.

Passage of the bill would result in a large number of taxpayers paying a greater undetermined amount of taxes to taxing units in order to proceed with a lawsuit in state district court. The Comptroller's Property Tax Division does not receive or maintain information from appraisal districts or taxing units that would be helpful in determining the impact of the bill.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2007. It would apply only to a district court appeal filed on or after the effective date of the bill.

Local Government Impact

Passage of the bill would result in a large number of taxpayers paying a greater undetermined amount of taxes to taxing units in order to proceed with a lawsuit in state district court.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, SD, SJS