

SENATE AMENDMENTS

2nd Printing

By: Otto, Hill, Kolchhorst, Ritter, Thompson,
et al.

H.B. No. 3496

A BILL TO BE ENTITLED

AN ACT

relating to the deadlines for the delivery or filing of certain ad
valorem tax notices.

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

SECTION 1. Sections 25.19(a) and (g), Tax Code, are amended
to read as follows:

(a) By April 1 or as soon thereafter as practicable if the
property is a single-family residence that qualifies for an
exemption under Section 11.13, or by May 1 [15] or as soon
thereafter as practicable in connection with any other property,
the chief appraiser shall deliver a clear and understandable
written notice to a property owner of the appraised value of the
property owner's property if:

(1) the appraised value of the property is greater
than it was in the preceding year;

(2) the appraised value of the property is greater
than the value rendered by the property owner; or

(3) the property was not on the appraisal roll in the
preceding year.

(g) By April 1 or as soon thereafter as practicable if the
property is a single-family residence that qualifies for an
exemption under Section 11.13, or by May 1 [15] or as soon
thereafter as practicable in connection with any other property,
the chief appraiser shall deliver a written notice to the owner of

1 each property not included in a notice required to be delivered
2 under Subsection (a), if the property was reappraised in the
3 current tax year, if the ownership of the property changed during
4 the preceding year, or if the property owner or the agent of a
5 property owner authorized under Section 1.111 makes a written
6 request for the notice. The chief appraiser shall separate real
7 from personal property and include in the notice for each property:

8 (1) the appraised value of the property in the
9 preceding year;

10 (2) the appraised value of the property for the
11 current year and the kind of each partial exemption, if any,
12 approved for the current year;

13 (3) a detailed explanation of the time and procedure
14 for protesting the value; and

15 (4) the date and place the appraisal review board will
16 begin hearing protests.

17 SECTION 2. Section 41.11(a), Tax Code, is amended to read as
18 follows:

19 (a) Not later than the date the appraisal review board
20 approves the appraisal records as provided by Section 41.12, the
21 secretary of the board shall deliver written notice to a property
22 owner of any change in the records that is ordered by the board as
23 provided by this subchapter and that will result in an increase in
24 the tax liability of the property owner. An owner who receives a
25 notice as provided by this section shall be entitled to protest such
26 action as provided by Section 41.44(a)(3) [~~41.44(a)(2)~~].

27 SECTION 3. Section 41.44, Tax Code, is amended by amending

Subsections (a) and (c) and adding Subsection (b-1) to read as follows:

(a) Except as provided by Subsections (b), (b-1), (c), (c-1), and (c-2), to be entitled to a hearing and determination of a protest, the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested:

(1) before May 1 or not later than the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Section 25.19, if the property is a single-family residence that qualifies for an exemption under Section 11.13, whichever is later;

(2) before June 1 or not later than the 30th day after the date that notice was delivered to the property owner as provided by Section 25.19 in connection with any other property, whichever is later;

(3) ~~[(2)]~~ in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter or by Chapter 25, not later than the 30th day after the date notice of the change is delivered to the property owner; or

(4) ~~[(3)]~~ in the case of a determination that a change in the use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred, not later than the 30th day after the date the notice of the determination is delivered to the property owner.

(b-1) Notwithstanding Subsection (a)(1), an owner of property described by that subsection who files a notice of protest after the deadline prescribed by that subsection but before the

1 appraisal review board approves the appraisal records is entitled
2 to a hearing and determination of the protest if the property owner
3 files the notice before June 1.

4 (c) A property owner who files notice of a protest
5 authorized by Section 41.411 is entitled to a hearing and
6 determination of the protest if the property owner ~~[he]~~ files the
7 notice prior to the date the taxes on the property to which the
8 notice applies become delinquent. An owner of land who files a
9 notice of protest under Subsection (a)(4) ~~[(a)(3)]~~ is entitled to a
10 hearing and determination of the protest without regard to whether
11 the appraisal records are approved.

12 SECTION 4. This Act applies only to an ad valorem tax year
13 that begins on or after the effective date of this Act.

14 SECTION 5. This Act takes effect January 1, 2008.

ADOPTED

MAY 22 2007

Leta Spaw
Secretary of the Senate

16p 2007

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend H.B. No. 3496 (Senate committee printing) by adding the
2 following SECTION to the bill, appropriately numbered, and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION _____. (a) Section 41.411(c), Tax Code, is amended
5 to read as follows:

6 (c) A property owner who protests as provided by this
7 section must comply with the payment requirements of Section 42.08
8 or the property owner ~~[he]~~ forfeits the property owner's ~~[his]~~
9 right to a final determination of the ~~[his]~~ protest. The
10 delinquency date for purposes of Section 42.08(b) for the taxes on
11 the property subject to a protest under this section is postponed to
12 the 125th day after the date that one or more taxing units first
13 delivered written notice of the taxes due on the property, as
14 determined by the appraisal review board at a hearing under Section
15 41.44(c-3).

16 (b) Section 41.44, Tax Code, is amended by adding Subsection
17 (c-3) to read as follows:

18 (c-3) Notwithstanding Subsection (c), a property owner who
19 files a protest under Section 41.411 on or after the date the taxes
20 on the property to which the notice applies become delinquent, but
21 not later than the 125th day after the property owner, in the
22 protest filed, claims to have first received written notice of the
23 taxes in question, is entitled to a hearing solely on the issue of
24 whether one or more taxing units timely delivered a tax bill. If at
25 the hearing the appraisal review board determines that all of the
26 taxing units failed to timely deliver a tax bill, the board shall
27 determine the date on which at least one taxing unit first delivered
28 written notice of the taxes in question, and for the purposes of
29 this section the delinquency date is postponed to the 125th day

1 after that date.

2 (c) The change in law made by this section applies only to an
3 ad valorem tax protest filed on or after the effective date of this
4 Act. An ad valorem tax protest filed before the effective date of
5 this Act is governed by the law in effect at the time the protest was
6 filed, and the former law is continued in effect for that purpose.

ADOPTED

MAY 22 2007

FLOOR AMENDMENT NO. 2

BY:

Lataj Shaw
Secretary of the Senate

[Signature]

1 Amend H.B. No. 3496 by adding the following appropriately
2 numbered SECTION to read as follows and renumbering subsequent
3 SECTIONS accordingly:

4 SECTION __. Section 31.01, Tax Code, is amended by adding
5 Subsection (d-2) to read as follows:

6 (d-2) This subsection applies only to a school district
7 and only in connection with taxes imposed by the district in
8 2007. This subsection expires January 1, 2008. In addition to
9 any other information required by this section, the tax bill or
10 separate statement shall separately state:

11 (1) the amount of tax that would be imposed by
12 applying the district's maintenance and operations rate for the
13 2005 tax year to current total value for 2007;

14 (2) the amount of tax that would be imposed by
15 applying the district's maintenance and operations rate for the
16 2007 tax year to current total value for 2007; and

17 (3) the amount, if any, by which the amount calculated
18 under Subdivision (1) exceeds the amount calculated under
19 Subdivision (2), which must be labeled "Estimate of school
20 district maintenance and operations property tax savings
21 attributable to House Bill No. 1, Acts of the 79th Legislature,
22 3rd Called Session, 2006, and appropriations of state funds by
23 the 80th Legislature".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

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

IN RE: HB3496 by Otto (Relating to the deadlines for the delivery or filing of certain ad valorem tax notices.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Tax Code to change certain deadlines for the delivery of notices of appraised value and the filing of appraisal review board protests.

The bill would amend Section 25.19 to require the chief appraiser to deliver the owner of a single-family residence his or her notice of appraised value by April 1. All other property owners would have their notices delivered by May 1. Current law requires notices of appraised value for all owners to be delivered by May 15.

To be entitled to a hearing, a single-family residence owner would have to file a notice of protest before May 1 or no later than the 30th day after the value notice was delivered, whichever was later. Other property owners would have to file a notice of protest before June 1 or no later than the 30th day after the value notice was delivered, whichever was later. Current law requires notices of protest to be filed before June 30th or no later than the 30th day after the value notice was delivered, whichever is later.

The bill would amend Section 41.44 to allow all property owners who file a notice of protest after the deadline, but before the appraisal review board approves the appraisal records, to receive a hearing if the property owner files the protest notice before June 1.

This bill would take effect January 1, 2008.

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

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Passage of the bill would require appraisal districts to prepare and deliver notices of appraised value to taxpayers at earlier dates than required under current law. Some appraisal districts could incur additional undetermined administrative costs to prepare and deliver value notices at least one month earlier than currently required.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

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

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

IN RE: HB3496 by Otto (Relating to the deadlines for the delivery or filing of certain ad valorem tax notices.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Tax Code to change certain deadlines for the delivery of notices of appraised value and the filing of appraisal review board protests.

The bill would amend Section 25.19 to require the chief appraiser to deliver the owner of a single-family residence his or her notice of appraised value by April 1. All other property owners would have their notices delivered by May 1. Current law requires notices of appraised value for all owners to be delivered by May 15.

To be entitled to a hearing, a single-family residence owner would have to file a notice of protest before May 1 or no later than the 30th day after the value notice was delivered, whichever was later. Other property owners would have to file a notice of protest before June 1 or no later than the 30th day after the value notice was delivered, whichever was later. Current law requires notices of protest to be filed before June 30th or no later than the 30th day after the value notice was delivered, whichever is later.

The bill would amend Section 41.44 to allow all property owners who file a notice of protest after the deadline, but before the appraisal review board approves the appraisal records, to receive a hearing if the property owner files the protest notice before June 1.

This bill would take effect January 1, 2008.

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

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Passage of the bill would require appraisal districts to prepare and deliver notices of appraised value to taxpayers at earlier dates than required under current law. Some appraisal districts could incur additional undetermined administrative costs to prepare and deliver value notices at least one month earlier than currently required.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT