

1-1 By: Button, et al. (Senate Sponsor - Carona) H.B. No. 1205  
1-2 (In the Senate - Received from the House April 23, 2009;  
1-3 April 23, 2009, read first time and referred to Committee on  
1-4 Finance; May 5, 2009, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 5, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the circumstances in which the approval of the  
1-9 governing body of a taxing unit is required for refunds of  
1-10 overpayments or erroneous payments of ad valorem taxes.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 31.11(a), Tax Code, is amended to read as  
1-13 follows:

1-14 (a) If a taxpayer applies to the tax collector of a taxing  
1-15 unit for a refund of an overpayment or erroneous payment of taxes  
1-16 and the auditor for the unit determines that the payment was  
1-17 erroneous or excessive, the tax collector shall refund the amount  
1-18 of the excessive or erroneous payment from available current tax  
1-19 collections or from funds appropriated by the unit for making  
1-20 refunds. However, the collector may not make the refund unless:

1-21 (1) in the case of a collector who collects taxes for  
1-22 one taxing unit, the governing body of the taxing unit also  
1-23 determines that the payment was erroneous or excessive and approves  
1-24 the refund if the amount of the refund exceeds:

1-25 (A) \$5,000 [~~\$2,500~~] for a refund to be paid by a  
1-26 county with a population of two [~~1.5~~] million or more; or

1-27 (B) \$500 for a refund to be paid by any other  
1-28 taxing unit; or

1-29 (2) in the case of a collector who collects taxes for  
1-30 more than one taxing unit, the governing body of the taxing unit  
1-31 that employs the collector also determines that the payment was  
1-32 erroneous or excessive and approves the refund if the amount of the  
1-33 refund exceeds:

1-34 (A) \$5,000 for a refund to be paid by a county  
1-35 with a population of two million or more; or

1-36 (B) \$2,500 for a refund to be paid by any other  
1-37 taxing unit.

1-38 SECTION 2. This Act applies only to ad valorem taxes imposed  
1-39 for a tax year that begins on or after the effective date of this  
1-40 Act.

1-41 SECTION 3. This Act takes effect January 1, 2010.

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