

By: Bohac

H.B. No. 3655

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an adjustment to the taxable value of property in a
3 school district in the comptroller's annual property value study as
4 a result of a determination by an appraisal review board of a
5 taxpayer protest on the ground of unequal appraisal.

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

7 SECTION 1. Section 403.302(d), Government Code, is amended
8 to read as follows:

9 (d) For the purposes of this section, "taxable value" means
10 the market value of all taxable property less:

11 (1) the total dollar amount of any residence homestead
12 exemptions lawfully granted under Section 11.13(b) or (c), Tax
13 Code, in the year that is the subject of the study for each school
14 district;

15 (2) one-half of the total dollar amount of any
16 residence homestead exemptions granted under Section 11.13(n), Tax
17 Code, in the year that is the subject of the study for each school
18 district;

19 (3) the total dollar amount of any exemptions granted
20 before May 31, 1993, within a reinvestment zone under agreements
21 authorized by Chapter 312, Tax Code;

22 (4) subject to Subsection (e), the total dollar amount
23 of any captured appraised value of property that:

24 (A) is within a reinvestment zone created on or

1 before May 31, 1999, or is proposed to be included within the
2 boundaries of a reinvestment zone as the boundaries of the zone and
3 the proposed portion of tax increment paid into the tax increment
4 fund by a school district are described in a written notification
5 provided by the municipality or the board of directors of the zone
6 to the governing bodies of the other taxing units in the manner
7 provided by Section 311.003(e), Tax Code, before May 31, 1999, and
8 within the boundaries of the zone as those boundaries existed on
9 September 1, 1999, including subsequent improvements to the
10 property regardless of when made;

11 (B) generates taxes paid into a tax increment
12 fund created under Chapter 311, Tax Code, under a reinvestment zone
13 financing plan approved under Section 311.011(d), Tax Code, on or
14 before September 1, 1999; and

15 (C) is eligible for tax increment financing under
16 Chapter 311, Tax Code;

17 (5) for a school district for which a deduction from
18 taxable value is made under Subdivision (4), an amount equal to the
19 taxable value required to generate revenue when taxed at the school
20 district's current tax rate in an amount that, when added to the
21 taxes of the district paid into a tax increment fund as described by
22 Subdivision (4)(B), is equal to the total amount of taxes the
23 district would have paid into the tax increment fund if the district
24 levied taxes at the rate the district levied in 2005;

25 (6) the total dollar amount of any captured appraised
26 value of property that:

27 (A) is within a reinvestment zone:

1 (i) created on or before December 31, 2008,
2 by a municipality with a population of less than 18,000; and

3 (ii) the project plan for which includes
4 the alteration, remodeling, repair, or reconstruction of a
5 structure that is included on the National Register of Historic
6 Places and requires that a portion of the tax increment of the zone
7 be used for the improvement or construction of related facilities
8 or for affordable housing;

9 (B) generates school district taxes that are paid
10 into a tax increment fund created under Chapter 311, Tax Code; and

11 (C) is eligible for tax increment financing under
12 Chapter 311, Tax Code;

13 (7) the total dollar amount of any exemptions granted
14 under Section 11.251 or 11.253, Tax Code;

15 (8) the difference between the comptroller's estimate
16 of the market value and the productivity value of land that
17 qualifies for appraisal on the basis of its productive capacity,
18 except that the productivity value estimated by the comptroller may
19 not exceed the fair market value of the land;

20 (9) the portion of the appraised value of residence
21 homesteads of individuals who receive a tax limitation under
22 Section 11.26, Tax Code, on which school district taxes are not
23 imposed in the year that is the subject of the study, calculated as
24 if the residence homesteads were appraised at the full value
25 required by law;

26 (10) a portion of the market value of property not
27 otherwise fully taxable by the district at market value because of:

1 (A) action required by statute or the
2 constitution of this state that, if the tax rate adopted by the
3 district is applied to it, produces an amount equal to the
4 difference between the tax that the district would have imposed on
5 the property if the property were fully taxable at market value and
6 the tax that the district is actually authorized to impose on the
7 property, if this subsection does not otherwise require that
8 portion to be deducted; or

9 (B) action taken by the district under Subchapter
10 B or C, Chapter 313, Tax Code;

11 (11) the market value of all tangible personal
12 property, other than manufactured homes, owned by a family or
13 individual and not held or used for the production of income;

14 (12) the appraised value of property the collection of
15 delinquent taxes on which is deferred under Section 33.06, Tax
16 Code;

17 (13) the portion of the appraised value of property
18 the collection of delinquent taxes on which is deferred under
19 Section 33.065, Tax Code; ~~and~~

20 (14) the amount by which the market value of a
21 residence homestead to which Section 23.23, Tax Code, applies
22 exceeds the appraised value of that property as calculated under
23 that section; and

24 (15) the total dollar amount of any adjustments
25 resulting from protests on the ground of unequal appraisal
26 determined under Section 41.43, Tax Code.

27 SECTION 2. The change in law made by this Act applies only

1 to the annual study conducted under Section 403.302, Government
2 Code, as amended by this Act, to determine taxable value for a tax
3 year that begins on or after January 1, 2009. The annual study to
4 determine taxable value for a tax year that begins before that date
5 is covered by the law in effect immediately before the effective
6 date of this Act, and the prior law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.