

By: Carona

S.B. No. 797

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the circumstances in which the approval of the
3 governing body of a taxing unit is required for refunds of
4 overpayments or erroneous payments of ad valorem taxes.

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

6 SECTION 1. Section 31.11(a), Tax Code, is amended to read as
7 follows:

8 (a) If a taxpayer applies to the tax collector of a taxing
9 unit for a refund of an overpayment or erroneous payment of taxes
10 and the auditor for the unit determines that the payment was
11 erroneous or excessive, the tax collector shall refund the amount
12 of the excessive or erroneous payment from available current tax
13 collections or from funds appropriated by the unit for making
14 refunds. However, the collector may not make the refund unless:

15 (1) in the case of a collector who collects taxes for
16 one taxing unit, the governing body of the taxing unit also
17 determines that the payment was erroneous or excessive and approves
18 the refund if the amount of the refund exceeds:

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

21 (B) \$500 for a refund to be paid by any other
22 taxing unit; or

23 (2) in the case of a collector who collects taxes for
24 more than one taxing unit, the governing body of the taxing unit

1 that employs the collector also determines that the payment was
2 erroneous or excessive and approves the refund if the amount of the
3 refund exceeds:

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

6 (B) \$2,500 for a refund to be paid by any other
7 taxing unit.

8 SECTION 2. This Act applies only to ad valorem taxes imposed
9 for a tax year that begins on or after the effective date of this
10 Act.

11 SECTION 3. This Act takes effect January 1, 2010.