

By: Otto

H.B. No. 3437

Substitute the following for H.B. No. 3437:

By: Hilderbran

C.S.H.B. No. 3437

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for obtaining an allocation for ad  
valorem tax purposes of the value of certain property that is used  
in this state and outside this state.

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

SECTION 1. Chapter 21, Tax Code, is amended by adding  
Sections 21.09 and 21.10 to read as follows:

Sec. 21.09. ALLOCATION APPLICATION. (a) To receive an  
allocation authorized by Section 21.03, 21.031, 21.05, or 21.055, a  
person claiming the allocation must apply for the allocation. To  
apply for an allocation, a person must file an allocation  
application form with the chief appraiser in the appraisal district  
in which the property subject to the claimed allocation has taxable  
situs.

(b) A person claiming an allocation must apply for the  
allocation each year the person claims the allocation. A person  
claiming an allocation must file a completed allocation application  
form not later than the deadline for filing a rendition of the  
property under Section 22.23 and must provide the information  
required by the form. If the property was not on the appraisal roll  
in the preceding year, the deadline for filing the allocation  
application form is extended to the 30th day after the date of  
receipt of the notice of appraised value required by Section  
25.19(a)(3). For good cause shown, the chief appraiser shall

1 extend the deadline for filing an allocation application form by  
2 written order for a period not to exceed 60 days.

3 (c) The comptroller shall prescribe the contents of the  
4 allocation application form. The form must consist of a single form  
5 that serves as a rendition of value in addition to an application  
6 for an allocation. The comptroller shall ensure that the form  
7 requires an applicant to provide the information required by  
8 Section 22.01(a)(5) in addition to the information necessary to  
9 determine the validity of the allocation claim.

10 (d) If the chief appraiser learns of any reason indicating  
11 that an allocation previously allowed should be canceled, the chief  
12 appraiser shall investigate. If the chief appraiser determines  
13 that the property is not entitled to an allocation, the chief  
14 appraiser shall cancel the allocation and deliver written notice of  
15 the cancellation not later than the fifth day after the date the  
16 chief appraiser makes the cancellation. A person may protest the  
17 cancellation of an allocation.

18 (e) A person who files a completed allocation application  
19 form is not required to file a rendition of the property under  
20 Chapter 22.

21 Sec. 21.10. LATE APPLICATION FOR ALLOCATION. (a) The chief  
22 appraiser shall accept and approve or deny an application for an  
23 allocation under Section 21.09 after the deadline for filing the  
24 application has passed if the application is filed before the date  
25 the appraisal review board approves the appraisal records.

26 (b) If the application is approved, the property owner is  
27 liable to each taxing unit for a penalty in an amount equal to 10

1 percent of the difference between the amount of tax imposed by the  
2 taxing unit on the property without the allocation and the amount of  
3 tax imposed on the property with the allocation.

4 (c) The chief appraiser shall make an entry on the appraisal  
5 records for the property indicating the property owner's liability  
6 for the penalty and shall deliver a written notice of imposition of  
7 the penalty, explaining the reason for its imposition, to the  
8 property owner.

9 (d) The tax assessor for a taxing unit that taxes the  
10 property shall add the amount of the penalty to the property owner's  
11 tax bill, and the tax collector for the unit shall collect the  
12 penalty at the time and in the manner the collector collects the  
13 tax. The amount of the penalty constitutes a lien against the  
14 property against which the penalty is imposed, as if the penalty  
15 were a tax, and accrues penalty and interest in the same manner as a  
16 delinquent tax.

17 SECTION 2. (a) The change in law made by this Act applies to  
18 the allocation of the value of property for ad valorem tax purposes  
19 beginning with the 2013 tax year, except as provided by Subsection  
20 (b) of this section.

21 (b) If the allocation of the value of property for ad  
22 valorem tax purposes for the 2013 tax year was finally determined  
23 before the effective date of this Act, the change in law made by  
24 this Act applies to the allocation of the value of that property  
25 beginning with the 2014 tax year, and the law in effect when the  
26 allocation of the value of that property was finally determined  
27 applies to the 2013 tax year with respect to that property.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2013.