

By: Otto

H.B. No. 3437

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedure for obtaining an allocation for ad
3 valorem tax purposes of the value of certain property that is used
4 in this state and outside this state.

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

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

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

15 (b) A person claiming an allocation must apply for the
16 allocation each year the person claims the allocation. A person
17 claiming an allocation must file a completed allocation application
18 form before May 1 and must provide the information required by the
19 form. If the property was not on the appraisal roll in the
20 preceding year, the deadline for filing the allocation application
21 form is extended to the 30th day after the date of receipt of the
22 notice of appraised value required by Section 25.19(a)(3). For
23 good cause shown, the chief appraiser shall extend the deadline for
24 filing an allocation application form by written order for a period

1 not to exceed 60 days.

2 (c) The comptroller shall prescribe the contents of the
3 allocation application form and shall ensure that the form requires
4 an applicant to provide the information necessary to determine the
5 validity of the allocation claim.

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

14 (e) The filing of a rendition under Chapter 22 is not a
15 condition of qualification for an allocation.

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

21 (b) If the application is approved, the property owner is
22 liable to each taxing unit for a penalty in an amount equal to 10
23 percent of the difference between the amount of tax imposed by the
24 taxing unit on the property without the allocation and the amount of
25 tax imposed on the property with the allocation.

26 (c) The chief appraiser shall make an entry on the appraisal
27 records for the property indicating the property owner's liability

1 for the penalty and shall deliver a written notice of imposition of
2 the penalty, explaining the reason for its imposition, to the
3 property owner.

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

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

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

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