

POPP, GRAY & HUTCHESON, LLP

The Property Tax Firm of Texas



TEXAS LEGISLATIVE UPDATE ★

LEGISLATIVE UPDATE

Time is winding down for the passage of legislation. There were 287 bills filed this session related to property tax. Of those, 55 bills have passed out of either the Senate or House. These are the bills most likely to have a possibility of passage or to be added on to another bill. The last day of the legislative session is Monday, May 30.

Appraisal District Operations:

HB 533 by Villarreal: Provides that if a chief appraiser imposes a rendition penalty, notice must be sent and opportunity to protest provided. No rendition required if property subject to Section 23.24.

HB 872 by Davis: Allows certain persons exempt from the Tax Consultant Licensing Act to receive notices.

HB 1179 by Flynn: Changes the registration requirements for appraisal district employees.

HB 3307 by Munoz: Makes the address of a U.S. Attorney or Assistant U.S. Attorney contained in the appraisal records confidential.

SB 682 by Huffman: Allows appraisal district access to criminal history of an applicant for ARB.

SB 1130 by Hegar: Changes the sales disclosure exemption from counties of less than 20,000 people to counties of less than 50,000.

Appraisal Review Boards and Board of Directors:

HB 896 by Howard: Provides for auxiliary appraisal review board members to assist in bearing protests but without voting rights.

HB 975 by Dutton: Provides eligibility requirements to serve on an appraisal review board.

HB 2387 by Menendez: Allows appraisal district board of directors to employ a general counsel.

HB 3457 by Eiland: Includes junior colleges in the election of the board of directors.

Protest & Lawsuit Procedures:

HB 499 by Rodriguez: Provides that any additional tax due after the resolution of a lawsuit which becomes delinquent incurs delinquent tax attorney collection fees.

HB 1090 by Gonzalez: Changes the interest rate on refunds as a result of an appeal.

HB 1887 by Villarreal: Makes several procedural changes to protests and lawsuits. The bill limits the dismissal of a protest or lawsuit because of an incorrect owner name provides for mandatory mediation upon request, changes the evidence standard in a no evidence motion for summary judgment, and requires attorneys to provide notice to their client of their hiring by a third party.

HB 2220 by Davis: Clarifies the payment requirements for a property subject to a Section 25.25 motion.

SB 641 by Seliger: Changes the interest on refunds after the resolution of a lawsuit from eight percent to the sum of two percent plus prime not to exceed eight percent.



Open Space & Ag Use:

HB 361 by Otto: Deletes the requirement that one member of the agricultural advisory board must be a representative of the county agricultural stabilization service.

SB 449 by Watson: Provides for agricultural use valuation for open space property devoted to water stewardship purposes.

SJR 16 by Estes: Constitutional amendment allowing open space valuation for land devoted to water stewardship purposes.

Special Valuation:

HB 2476 by Harless: Makes changes to the dealer's heavy equipment inventory property tax appraisal process.

SB 1385 by Lucio: Allows the waiver of certain penalties on dealer's inventory, heavy equipment inventory or manufactured housing inventory if the penalty was a result of a natural disaster or an event beyond the taxpayer's control.

SB 1505 by Uresti: For valuation of oil and gas real property interests, the bill requires that the average price of the oil or gas from the interest for the preceding calendar year multiplied by a price adjustment, rather than by a market condition, factor as the price at which the oil or gas produced from the interest is projected to be sold in the current year of the appraisal.

Exemptions:

HB 252 by Hilderbran: Requires a homestead application to state that the applicant does not have a homestead in another state, include a copy of the person's driver's license or state issued id, and include a copy of the person's vehicle registration or utility bill.

HB 645 by Orr: Applicant for charitable exemption may provide federal tax ID number in lieu of driver's license, personal ID or social security number.

HB 2100 by Lewis: Property of a local government corporation that is located outside of the boundaries of the local

government that created the local government corporation is not exempt from ad valorem taxation.

HB 2042 by Menendez: Establishes that a commercial aircraft to be used as an instrument of commerce that is under construction inside a defense base development authority is presumed to be in interstate, international, or foreign commerce and is not located in Texas for longer than a temporary period.

HB 2280 by Eiland: At least one representative of school district or junior college district must be on TCEQ advisory committee.

SB 201 by Uresti: Allows a 100 percent or totally disabled veteran's property tax exemption to move with the veteran.

SB 326 by Duncan: Clarifies existing law that only goods held under a contract for bailment by a public warehouse operator qualify for the goods in transit exemption.

SB 540 by Van de Putte: Provides for a comptroller study of the effect of changing the disabled veteran's exemption.

SB 915 by Wentworth: Simplifies the process for owners of manufactured homes to qualify for a homestead exemption.

SB 1070 by Jackson: Provides that at least one member of the TCEQ advisory committee on property tax exemptions be a member of the school or junior college district in which the property is located.

SB 1120 by Seliger: Amends current law relating to exemptions for property of a local government corporation.

Tax Collections:

HB 843 by Geren: Allows taxing unit to provide for electronic delivery of tax bills.

SB 422 by Duncan: Taxing unit may contract with another taxing unit or appraisal district to collect special assessments.

SB 551 by Williams: Provides that there is no interest on omitted property improvement if the appraisal district had constructive notice of the property.

Delinquent Taxes:

HB 499 by Rodriquez: Applies attorney collection penalty to taxes that become delinquent on a tax bill sent after resolution of a lawsuit.

HB 930 by Darby: Allows the issuance of a tax warrant for delinquent personal property taxes if the property is about to be sold at a liquidation sale.

HB 1118 by Ritter: Allows taxing units that purchase foreclosed properties to resell the property clear of any post-judgment taxes.

HB 1438 by Lewis and SB 582 by Harris: Relate to service of process in delinquent tax lawsuits.

HB 2205 by Oliveira: Person must show proof that they have no delinquent taxes to bid on a property at a tax sale.

SB 432 by Jackson: Changes the interest rate on delinquent taxes in a disaster area subject to an installment payment from 12 to six percent.

SB 762 by Carona: Amends existing law related to tax lien transfers.

SB 916 by Wentworth: Provides that when a property owner authorizes the transfer of tax liens for both the taxes on the property that are not delinquent and the taxes that are delinquent, the tax assessor-collector is required to certify the transfer in one document.

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