

By: Estes

S.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the additional ad valorem taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land.

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

SECTION 1. Section 1.07(d), Tax Code, is amended to read as follows:

(d) A notice required by Section 11.45(d), 23.44(d), 23.46(c), 23.54(e), 23.541(c), ~~[23.55(e)]~~, 23.57(d), 23.76(e), 23.79(d), or 23.85(d) must be sent by certified mail.

SECTION 2. Section 23.20(g), Tax Code, is amended to read as follows:

(g) A waiver of a special appraisal of property under Subchapter C, ~~[D,]~~ E, F, or G ~~[of this chapter]~~ does not constitute a change of use of the property or diversion of the property to another use for purposes of the imposition of additional taxes under any of those subchapters.

SECTION 3. Section 23.52(e), Tax Code, is amended to read as follows:

(e) The ~~[For the purposes of Section 23.55 of this code, the]~~ chief appraiser ~~[also]~~ shall determine the market value of qualified open-space land and shall record both the market value and the appraised value in the appraisal records.

SECTION 4. Sections 31.01(c) and (c-1), Tax Code, are

1 amended to read as follows:

2 (c) The tax bill or a separate statement accompanying the  
3 tax bill shall:

4 (1) identify the property subject to the tax;

5 (2) state the appraised value, assessed value, and  
6 taxable value of the property;

7 (3) if the property is land appraised as provided by  
8 Subchapter C, ~~[D]~~ E, or H, Chapter 23, state the market value and  
9 the taxable value for purposes of deferred or additional taxation  
10 as provided by Section 23.46, ~~[23.55]~~ 23.76, or 23.9807, as  
11 applicable;

12 (4) if the property is land appraised as provided by  
13 Subchapter D, Chapter 23, state the market value of the land;

14 (5) state the assessment ratio for the unit;

15 (6) ~~[(5)]~~ state the type and amount of any partial  
16 exemption applicable to the property, indicating whether it applies  
17 to appraised or assessed value;

18 (7) ~~[(6)]~~ state the total tax rate for the unit;

19 (8) ~~[(7)]~~ state the amount of tax due, the due date,  
20 and the delinquency date;

21 (9) ~~[(8)]~~ explain the payment option and discounts  
22 provided by Sections 31.03 and 31.05, if available to the unit's  
23 taxpayers, and state the date on which each of the discount periods  
24 provided by Section 31.05 concludes, if the discounts are  
25 available;

26 (10) ~~[(9)]~~ state the rates of penalty and interest  
27 imposed for delinquent payment of the tax;

1           (11) [~~(10)~~] include the name and telephone number of  
2 the assessor for the unit and, if different, of the collector for  
3 the unit;

4           (12) [~~(11)~~] for real property, state for the current  
5 tax year and each of the preceding five tax years:

6                   (A) the appraised value and taxable value of the  
7 property;

8                   (B) the total tax rate for the unit;

9                   (C) the amount of taxes imposed on the property  
10 by the unit; and

11                   (D) the difference, expressed as a percent  
12 increase or decrease, as applicable, in the amount of taxes imposed  
13 on the property by the unit compared to the amount imposed for the  
14 preceding tax year; and

15           (13) [~~(12)~~] for real property, state the differences,  
16 expressed as a percent increase or decrease, as applicable, in the  
17 following for the current tax year as compared to the fifth tax year  
18 before that tax year:

19                   (A) the appraised value and taxable value of the  
20 property;

21                   (B) the total tax rate for the unit; and

22                   (C) the amount of taxes imposed on the property  
23 by the unit.

24           (c-1) If for any of the preceding six tax years any  
25 information required by Subsection (c)(12) [~~(c)(11)~~] or (13) [~~(12)~~]  
26 to be included in a tax bill or separate statement is unavailable,  
27 the tax bill or statement must state that the information is not

1 available for that year.

2 SECTION 5. Section 41.41(a), Tax Code, is amended to read as  
3 follows:

4 (a) A property owner is entitled to protest before the  
5 appraisal review board the following actions:

6 (1) determination of the appraised value of the  
7 owner's property or, in the case of land appraised as provided by  
8 Subchapter C, D, E, or H, Chapter 23, determination of its appraised  
9 or market value;

10 (2) unequal appraisal of the owner's property;

11 (3) inclusion of the owner's property on the appraisal  
12 records;

13 (4) denial to the property owner in whole or in part of  
14 a partial exemption;

15 (5) determination that the owner's land does not  
16 qualify for appraisal as provided by Subchapter C, D, E, or H,  
17 Chapter 23;

18 (6) identification of the taxing units in which the  
19 owner's property is taxable in the case of the appraisal district's  
20 appraisal roll;

21 (7) determination that the property owner is the owner  
22 of property;

23 (8) a determination that a change in use of land  
24 appraised under Subchapter C, ~~D~~ E, or H, Chapter 23, has  
25 occurred; or

26 (9) any other action of the chief appraiser, appraisal  
27 district, or appraisal review board that applies to and adversely

1 affects the property owner.

2 SECTION 6. Section 41.44(a), Tax Code, is amended to read as  
3 follows:

4 (a) Except as provided by Subsections (b), (b-1), (c),  
5 (c-1), and (c-2), to be entitled to a hearing and determination of a  
6 protest, the property owner initiating the protest must file a  
7 written notice of the protest with the appraisal review board  
8 having authority to hear the matter protested:

9 (1) before May 1 or not later than the 30th day after  
10 the date that notice to the property owner was delivered to the  
11 property owner as provided by Section 25.19, if the property is a  
12 single-family residence that qualifies for an exemption under  
13 Section 11.13, whichever is later;

14 (2) before June 1 or not later than the 30th day after  
15 the date that notice was delivered to the property owner as provided  
16 by Section 25.19 in connection with any other property, whichever  
17 is later;

18 (3) in the case of a protest of a change in the  
19 appraisal records ordered as provided by Subchapter A of this  
20 chapter or by Chapter 25, not later than the 30th day after the date  
21 notice of the change is delivered to the property owner;

22 (4) in the case of a determination that a change in the  
23 use of land appraised under Subchapter C, ~~[D]~~ E, or H, Chapter 23,  
24 has occurred, not later than the 30th day after the date the notice  
25 of the determination is delivered to the property owner; or

26 (5) in the case of a determination of eligibility for a  
27 refund under Section 23.1243, not later than the 30th day after the

1 date the notice of the determination is delivered to the property  
2 owner.

3 SECTION 7. Section 60.022, Agriculture Code, is amended to  
4 read as follows:

5 Sec. 60.022. CONTENTS OF PETITION. A petition filed under  
6 Section 60.021 must:

7 (1) describe the boundaries of the proposed district  
8 by metes and bounds or by lot and block number, if there is a  
9 recorded map or plat and survey of the area;

10 (2) include a name for the proposed district, which  
11 must include the term "Agricultural Development District";

12 (3) be signed by the landowners of any land to be  
13 included within the proposed district and provide an acknowledgment  
14 consistent with Section 121.001, Civil Practice and Remedies Code,  
15 that the landowners desire the land to be included in the district;

16 (4) include the names of at least five persons who are  
17 willing and qualified to serve as temporary directors of the  
18 district;

19 (5) name each county in which any agricultural  
20 facilities to be owned by the district are to be located;

21 (6) name each municipality in which any part of the  
22 district is to be located;

23 (7) state the general nature of the proposed  
24 development and the cost of the development as then estimated by the  
25 petitioners;

26 (8) state the necessity and feasibility of the  
27 proposed district and whether the district will serve the public

purpose of furthering agricultural interests;

(9) include a pledge that the district will make payments in lieu of taxes to any school district and county in which any real property to be owned by the district is located, in ~~as follows:~~

~~[(A)]~~ annual payments to each entity that are equal to the amount of taxes imposed on the real property by the entity in the year of the district's creation; and

~~[(B) a payment to each entity equal to the amount that would be due under Section 23.55, Tax Code, on the district's date of creation; and]~~

(10) include a pledge that, if the district employs more than 50 persons, the district will make payments in lieu of taxes to any school district, in addition to those made under Subdivision (9), in an amount negotiated between the district and the school district.

SECTION 8. Section 21.0421(e), Property Code, is amended to read as follows:

(e) This section does not:

(1) authorize groundwater rights appraised separately from the real property under this section to be appraised separately from real property for property tax appraisal purposes; or

(2) subject real property condemned for the purpose described by Subsection (a) to an additional tax as provided by Section 23.46 ~~[or 23.55]~~, Tax Code.

SECTION 9. The following provisions of the Tax Code are

1 repealed:

2 (1) Section 23.55; and

3 (2) Sections 23.58(c) and (d).

4 SECTION 10. The repeal of Section 23.55, Tax Code, by this  
5 Act does not affect an additional tax imposed as a result of a  
6 change of use of land appraised under Subchapter D, Chapter 23, Tax  
7 Code, that occurred before the effective date of this Act, and the  
8 former law is continued in effect for purposes of that tax.

9 SECTION 11. This Act takes effect September 1, 2015.