

## **BILL ANALYSIS**

Senate Research Center

S.B. 1421  
By: Bettencourt  
Local Government  
6/3/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Business personal property can be difficult to locate and complicated to value. Taxpayers are currently required to report their business personal property to appraisal districts by April 15, unless they obtain an extension to May 15. Since rendition statements are due during the busiest time of year for tax preparers, mistakes are common. Taxpayers should be allowed to correct errors on their rendition statements, just as they are allowed to correct errors on their tax returns.

S.B. 1421 amends current law relating to the correction of an ad valorem tax appraisal roll and related appraisal records. It allows an appraisal review board to change the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner's tangible personal property that is the result of an error or omission in a timely-filed rendition statement or property report.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1421 amends current law relating to the correction of an ad valorem tax appraisal roll and to related appraisal records.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.25, Tax Code, by adding Subsection (c-1) and amending Subsections (e) and (m), as follows:

(c-1) Authorizes the appraisal review board, on motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner's tangible personal property that is the result of an error or omission in a rendition statement or property report filed under Chapter 22 (Renditions and Other Reports) for the applicable tax year. Prohibits the roll from being changed under this subsection for any tax year in which:

(1) the property owner failed to timely file the rendition statement or property report in accordance with Section 22.23 (Filing Date) and was assessed a penalty under Section 22.28 (Penalty for Delinquent Report; Penalty Collection Procedures);

(2) the property was the subject of a protest brought by the property owner under Chapter 41 (Local Review), a hearing on the protest was conducted in which the owner offered evidence or argument, and the appraisal review board made a determination of the protest on the merits;

(3) the property was the subject of a previous motion filed by the property owner under Section 25.25 (Correction of Appraisal Roll) and the chief appraiser and the

owner agreed to the correction, the appraisal review board determined the motion, or the appraisal review board determined that the owner forfeited the right to a final determination of the motion for failing to comply with the prepayment requirements of Section 25.26 (Forfeiture of Remedy for Nonpayment of Taxes); or

(4) the appraised value of the property was established as a result of a written agreement between the property owner or the owner's agent and the appraisal district.

(e) Provides that a party bringing a motion under certain subsections, including Subsection (c-1), if the chief appraiser and the property owner do not agree to the correction before the 15th day after the date the motion is filed, is entitled on request to a hearing on and a determination of the motion by the appraisal review board.

(m) Requires that a hearing under certain subsections, including Subsection (c-1), be conducted in the manner provided by Subchapter C (Taxpayer Protest), Chapter 41.

SECTION 2. Amends Sections 41.413(d) and (e), Tax Code, as follows:

(d) Requires an owner of real property, rather than a property owner, to send to a person leasing property under a contract described by Subsection (b) (relating to entitling a person leasing real property who is contractually obligated to reimburse the property owner for taxes imposed on the property to protest before the appraisal review board), rather than under a contract described by Section 41.413 (Protest by Person Leasing Property), a copy of any notice of appraised value of the property received by the property owner.

(e) Makes conforming changes to this subsection.

SECTION 3. Makes application of Section 41.413(d) and (e), Tax Code, as amended by this Act, prospective.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.