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Texas Property Tax Law Changes 2017

Property Tax Assistance • September 2017

Property Tax Bills:
85th Texas Legislature, Regular and First Called Session

This publication includes highlights of recent legislation relating to property tax. Primarily, significant substantive changes to the Property Tax Code or enactment of select property tax provisions in non-property tax bills are addressed. The highlights are general summaries and do not reflect the exact or complete text of the legislation highlighted. Not all legislation impacting property tax is addressed. Please be advised that this information is being provided solely as an informational resource. The information provided is not intended for use in lieu of, or as a substitute for, the legislation referenced herein and should not be relied upon as such. Additionally, the information provided neither constitutes nor serves as a substitute for legal advice. Questions regarding the meaning or interpretation of any information included or referenced in this publication should, as appropriate or necessary, be directed to an attorney or other appropriate counsel.

*This session the Legislature enacted **SB 1488** which amends numerous codes, including code sections contained in this publication, to make nonsubstantive additions to, revisions of, and corrections in enacted codes, to make nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conform codifications during the preceding legislative session. The Legislature enacted **SB 1969** which amends numerous codes effective April 1, 2019, including code sections contained in this publication, to codify laws without substantive changes related to the Texas Racing Act. Law changes enacted by **SB 1488** and **SB 1969** are not included in this publication. The Legislature also enacted **HB 2803** which made nonsubstantive revisions of certain local laws concerning water and wastewater special districts. The Legislature enacted laws impacting specific special districts that impose a property tax; these bills and **HB 2803** are also not included in this publication.*

*Governor Greg Abbott vetoed one property tax bill, **HB 3281** which would have modified one of the eligibility criteria for cities to form homestead preservation districts and reinvestment zones.*

The following acronyms are used in this document:

1st CS	First Called Session
ARB	appraisal review board
CAD	county appraisal district
DPS	Texas Department of Public Safety
HB	House Bill
HJR	House Joint Resolution
SB	Senate Bill
SJR	Senate Joint Resolution
TALCB	Texas Appraiser Licensing and Certification Board
TCEQ	Texas Commission on Environmental Quality
TDHCA	Texas Department of Housing and Community Affairs
TEA	Texas Education Agency
THECB	Texas Higher Education Coordinating Board

The Property Tax Assistance Division of the Texas Comptroller of Public Accounts provides property tax information and resources for taxpayers, local taxing entities, appraisal districts and appraisal review boards.

For more information, visit our website **comptroller.texas.gov/taxes/property-tax/** or call us toll-free at 800-252-9121 (press 2 to access the menu, then press 1 to contact the Information Services Team). In Austin, call 512-305-9999.

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Tax Code

Chapter 1. General Provisions

Section 1.04

HB 2019 amends paragraph (3-a) to strike "certified" from "certified copy" and to strike "and location" from "statement of ownership and location" in preexisting provisions relating to one of the conditions for a manufactured home to be treated as an improvement to real property when a certified copy of the statement of ownership is filed.

Effective Sept. 1, 2017.

Chapter 6. Local Administration

Section 6.231

SB 929 amends subsection (b) to require a county assessor-collector who assesses or collects property taxes to successfully complete at least 40 hours of continuing education courses on the assessment and collection of property taxes, including a course dedicated to Tax Code Chapter 26, not later than the first anniversary of the date on which the county assessor-collector first takes office. This requirement is in addition to the previously existing continuing education requirements.

Effective May 18, 2017, and applies only to a county assessor-collector whose first term of office begins on or after the effective date.

Chapter 11. Taxable Property and Exemptions

Section 11.01

HB 3103 adds subsection (e) to provide that for purposes of subsection (c)(3), property is considered to be used continually, whether regularly or irregularly, in this state if the property is used in this state three or more times on regular routes or for three or more completed assignments occurring in close succession throughout the year. A series of events are considered to occur in close succession throughout the year if they occur in sequence within a short period at intervals from the beginning to the end of the year.

Effective June 15, 2017. The amendments made by this bill are a clarification of existing law and do not imply that existing law may be construed as inconsistent with the law as amended by this bill.

Section 11.132

HB 150 amends subsection (b) to provide that a disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

*Effective Jan. 1, 2018, contingent on voter approval of **HJR 21**, and applies only to property taxes imposed for a property tax year that begins on or after the effective date.*

Section 11.134

SB 15 adds this section to define "first responder" as an individual listed under Government Code Section 615.003, "residence homestead" by reference to Tax Code Section 11.13, and "surviving spouse" as the individual who was married to a first responder at the time of the first responder's death.

The bill adds subsection (b) to provide a total exemption of the appraised value of the residence homestead of a surviving spouse of a first responder who is killed or fatally injured in the line of duty if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615, as determined by the Employees Retirement System, and has not remarried since the death of the first responder. The exemption applies regardless of the date of the first responder's death if the surviving spouse otherwise meets the qualifications of this section.

A surviving spouse who receives the exemption under subsection (b) is entitled to receive an exemption on a subsequent residence homestead if the surviving spouse has not remarried. The exemption amount is equal to the dollar amount of the exemption of the first property for which the surviving spouse received an exemption under subsection (b) in the last year in which the surviving spouse received the exemption. The surviving spouse is entitled to a certificate from the chief appraiser of the CAD in which the first property for which the surviving spouse claimed the exemption was located providing the information necessary to determine the amount of the exemption to which the surviving spouse is entitled on the subsequently qualified homestead.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**, and applies only to a tax year beginning on or after the effective date.*

Section 11.18

SB 1345 amends subsection (d) to add the charitable function of providing, without regard to the beneficiaries' ability to pay, tax return preparation services and assistance with other financial matters to the list of charitable functions that one or more of which a charitable organization must exclusively perform (with specified exceptions) as one of the criteria to qualify as a charitable organization and receive a property tax exemption of certain real and personal property.

Effective Jan. 1, 2018, and applies only to a property tax year that begins on or after the effective date.

Section 11.23

HB 2999 amends subsection (j-1) to modify, in a county with a population of 3.3 million or more, the property tax exemption for medical center developments for all real and personal property owned by a nonprofit corporation, as that term is defined by Business Organizations Code Section 22.001, organized exclusively for benevolent, charitable, and educational purposes. The bill allows the exemption for property held for research or held for auxiliary uses to support benevolent, charitable, and educational functions, including the invention, development, and dissemination of materials, tools, technologies, processes, and similar means for translating and applying medical and scientific research for practical applications to advance public health. The bill strikes the provision that specified that the exemption applies to property that is not leased or otherwise used with a view to profit and strikes the provision that the property is exempt "as though the property were, during that time, owned and held by the state for health and educational purposes." The bill adds that this subsection may not be construed to exempt from taxation any interest in real or personal property, including a leasehold or other possessory interest, of a for-profit lessee of property for which a nonprofit corporation is entitled to an exemption from taxation under this subsection.

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Section 11.42

SB 15 amends subsection (c) to add an exemption authorized by Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) to the exemptions that are effective as of Jan. 1 of the tax year in which the person qualifies for the exemption and that apply to the entire tax year.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**.*

Section 11.43

HB 1101 amends subsection (c) to add an exception as provided by subsection (r) to the preexisting provision that the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption.

The bill adds subsection (r) to prohibit a chief appraiser from requiring a person allowed an exemption under Tax Code Section 11.131 to file a new application to determine the person's current qualification for the exemption if the person has a permanent total disability determined by the United States Department of Veterans Affairs under 38 C.F.R. Section 4.15.

Effective Jan. 1, 2018.

SB 15 amends subsection (c) to add an exemption provided by Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) to the exemptions that once allowed, need not be claimed in subsequent years, and except as otherwise provided, apply to the property until it changes ownership or the person's qualification for the exemption changes.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**.*

Section 11.431

SB 15 amends subsection (a) to require the chief appraiser to accept and approve or deny an application for a residence homestead exemption under Tax Code Section 11.134 for the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty after the deadline for filing it has passed if it is filed by the late application deadline.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**, and applies only to a tax year beginning on or after the effective date.*

HB 626 amends subsection (a) to require the chief appraiser to accept and approve or deny an application for a residence homestead exemption, including for specified homestead exemptions, after the deadline for filing it has passed if it is filed not later than two years (rather than one year) after the delinquency date for the taxes on the homestead.

The bill amends subsection (b) to specify the deadline of not later than the 30th day after the date a late homestead application is approved for a chief appraiser to notify the collector for each taxing unit in which the residence is located of the approval if approved after the appraisal review board approves the appraisal records. If a late homestead application is approved and taxes have been paid, the bill requires the collector to pay a refund of tax imposed on the exempted amount not later than the 60th day after the date the chief appraiser notifies the collector of the approval of the exemption.

Effective Sept. 1, 2017, and applies only to an application for an exemption filed under Tax Code Section 11.431 for the 2016 tax year or a later tax year.

Section 11.432

HB 2019 amends subsection (a) to strike "and location" from "statement of ownership and location" in a preexisting provision that requires a statement of ownership for a manufactured home to show that an individual applying for a residence homestead exemption is the owner of the manufactured home and requires that this statement of ownership accompany the application. The bill modifies preexisting requirements to provide that:

- a copy of the sales purchase agreement or other applicable contract or agreement (rather than a copy of the purchase contract), or the payment receipt that shows that the applicant is the purchaser of the manufactured home accompany the application; and
- a sworn affidavit by the applicant stating that the applicant is the owner of the manufactured home, the seller of the manufactured home did not provide the applicant with the applicable contract or agreement (rather than a purchase contract), and the applicant could not locate the seller after making a good faith effort.

Effective Sept. 1, 2017.

Section 11.439

HB 626 amends subsection (a) to require a chief appraiser to accept and approve or deny an application for an exemption under Tax Code Section 11.22 (Disabled Veterans) after the filing deadline provided by Tax Code Section 11.43 if the application is filed not later than five years (rather than one year) after the delinquency date for the taxes on the property.

The bill amends subsection (b) to specify the deadline of not later than the 30th day after the date a late disabled veteran application is approved for a chief appraiser to notify the collector for each taxing unit in which the property is taxable of the approval if approved after the appraisal review board approves the appraisal records. The bill strikes language that specified that no additional interest is due on the amount refunded.

Effective Sept. 1, 2017, and applies only to an application for an exemption filed under Tax Code Section 11.439 for the 2016 tax year or a later tax year.

Section 11.4391

HB 2228 amends subsection (a) to provide that the chief appraiser shall accept and approve or deny an application for an exemption for freeport goods under Tax Code Section 11.251 after the deadline for filing it has passed if it is filed not later than June 15 (rather than if it is filed before the date the appraisal review board approves the appraisal records).

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Chapter 21. Taxable Situs

Section 21.09

HB 2228 amends subsection (b) to provide that a person claiming an allocation must file a completed allocation application form before April 1 (rather than before May 1). 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 (rather than the 45th day) after the date of receipt of the notice of appraised value required by Tax Code Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 30 days (rather than 60 days).

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Chapter 22. Renditions and Other Reports

Section 22.23

HB 2228 adds subsection (c) to provide that notwithstanding subsections (a) and (b), rendition statements and property reports for property located in an appraisal district in which one or more taxing units exempt freeport property under Tax Code Section 11.251 must be delivered to the chief appraiser not later than April 1. On written request by the property owner, the chief appraiser shall extend the deadline for filing a rendition statement or property report to May 1. The chief appraiser may further extend the deadline an additional 15 days for good cause shown in writing by the property owner.

The bill adds subsection (d) to provide that, notwithstanding any other provision of this section, rendition statements and property reports for property regulated by the Public Utility Commission of Texas, the Railroad Commission of Texas, the federal Surface Transportation Board, or the Federal Energy Regulatory Commission must be delivered to the chief appraiser not later than April 30, except as provided by Tax Code Section 22.02. The chief appraiser may extend the filing deadline 15 days for good cause shown in writing by the property owner.

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Chapter 23. Appraisal Methods and Procedures

Section 23.1242

HB 1346 amends subsection (b) to require that on or before the 20th (rather than on or before the 10th) day of each month the owner of heavy equipment shall, together with the required statement filed by the owner, deposit with the collector an amount equal to the total of unit property tax assigned to all items of heavy equipment sold, leased, or rented from the dealer's heavy equipment inventory in the preceding month to which a unit property tax was assigned.

The bill amends subsection (f) to require that on or before the 20th (rather than on or before the 10th) day of each month, a heavy equipment dealer shall file with the collector the statement covering the sale, lease, or rental of each item of heavy equipment sold, leased or rented by the dealer in the preceding month. On or before the 20th (rather than on or before the 10th) day of a month following a month in which a dealer does not sell, lease, or rent an item of heavy equipment, the dealer must file the statement with the collector and indicate that no sales, leases, or rentals were made in the prior month.

Effective Sept. 1, 2017, and applies to a dealer's heavy equipment inventory tax statement required to be filed on or after the effective date.

Section 23.127

HB 2019 amends subsection (a) to revise the definitions of "declaration" and "retail manufactured housing inventory." "Declaration" means a retail manufactured housing inventory declaration form adopted by the Comptroller under this section in relation to units of manufactured housing considered to be retail manufactured housing inventory. "Retail manufactured housing inventory" means all units of manufactured housing that a retailer holds for sale at retail and that are defined as inventory by Occupations Code Section 1201.201.

The bill adds subsection (m) to provide that except as provided by subsection (d), a chief appraiser shall appraise retail manufactured housing inventory in the manner provided by this section.

Effective Sept. 1, 2017.

Section 23.52

SB 526 and **SB 594** amend subsection (d) to require that before rules regarding manuals and procedures for the appraisal of qualified open-space land and verification that land meets the conditions for qualification take effect, the rules must be approved by the Comptroller with the review and counsel of the Department of Agriculture (rather than by a majority vote of a committee comprised of specified state officials or their designees).

*Effective Sept. 1, 2017 (**SB 526**) and effective Jan. 1, 2018 (**SB 594**).*

Section 23.523

HB 777 adds this section to provide that the eligibility of land for special appraisal as qualified open-space land does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if the owner of the land:

- is a member of the armed services of the United States who is deployed or stationed outside this state; and
- intends that the use of the land in that manner and to that degree of intensity be resumed not later than the 180th day after the date the owner ceases to be deployed or stationed outside this state.

These landowners must notify the appraisal office in writing not later than the 30th day after the date the owner is deployed or stationed outside this state that the owner will be or has been deployed or stationed outside this state and intends to use the land in the manner, to the degree, and within the time specified above.

Effective May 23, 2017, and, notwithstanding the notice requirement in the bill, when land is owned by a member of the armed services of the United States who is deployed or stationed outside this state on the effective date, the eligibility of the land for special open-space appraisal does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area if the owner of the land meets the requirements of the bill regarding the owner's intent for use of the land and provides the required notice not later than the 90th day after the effective date; and the chief appraiser has not, as of the effective date, made a determination that a change in use has occurred.

Section 23.524

HB 3198 adds this section to provide that the eligibility of land for special open-space appraisal does not end because a lessee under an oil and gas lease begins conducting oil and gas operations over which the Railroad Commission of Texas has jurisdiction on the land if the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for special open-space appraisal.

Effective Sept. 1, 2017, but does not affect an additional tax imposed as a result of a change of use of land appraised under Tax Code Chapter 23, Subchapter D that occurred before the effective date.

SB 1459 adds this section to provide that the eligibility of land for special open-space appraisal does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area for the period that begins on the date a specified pest control agreement is executed and that ends on the fifth anniversary of that date if:

- the land is located in a pest management zone and appraised as open-space land primarily on the basis of the production of citrus in the tax year in which a specified pest control agreement is executed;
- the owner of the land has executed an agreement to destroy, remove, or treat all the citrus trees located on the land that are or could become infested with pests with the Texas Citrus Pest and Disease Management Corporation, Inc., the Texas Commissioner of Agriculture, or the United States Department of Agriculture, and complies with certain notification and document submission requirements; and
- the cessation of use is caused by the destruction, removal, or treatment of the citrus trees located on the land under the terms of the pest control agreement.

The owner of land to which this section applies must, not later than the 30th day after the date the owner executes the pest control agreement:

- Notify in writing the chief appraiser for each CAD in which the land is located that the pest control agreement has been executed, and that the owner intends to destroy, remove, or treat the citrus trees located on the land under the terms of the pest control agreement; and
- submit a copy of the pest control agreement to each chief appraiser with the notification.

A change of use of the land subject to this section is considered to have occurred on the day the pest control agreement was executed if the owner has not fully complied with the terms of the pest control agreement on the date the agreement ends.

Effective May 19, 2017, and applies only to land owned by a person who executes a pest control agreement on or after the effective date.

Section 23.73

SB 526 and **SB 594** amend subsection (b) to require that before rules regarding manuals and procedures for the appraisal of qualified timber land and verification that land meets the conditions for qualification take effect, the rules must be approved by the Comptroller with the review and counsel of the Texas A&M Forest Service (rather than by a majority vote of a committee comprised of specified state officials or their designees).

*Effective Sept. 1, 2017 (**SB 526**) and effective Jan. 1, 2018 (**SB 594**).*

Chapter 25. Local Appraisal

Section 25.025

HB 457, HB 1278, SB 256, SB 510, and **SB 1576** amend subsection (a) to add the following individuals to whom provisions relating to confidentiality of certain home address information apply:

- spouse or surviving spouse of a current or former peace officer as defined by Code of Criminal Procedure Article 2.12, and the adult child of a current peace officer as defined by Code of Criminal Procedure Article 2.12 (**HB 457**);
- current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters (**HB 1278**);
- individual who shows, as specified, that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Family Code Section 71.004 (**SB 256**);
- individual who shows, as specified, that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons (**SB 256**);
- participant in the address confidentiality program administered by the attorney general under Code of Criminal Procedure Chapter 56, Subchapter C, who provides proof of certification under Code of Criminal Procedure Article 56.84 (**SB 256**);
- current or former employee of a federal judge or state judge (**SB 510**); and
- current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office (**SB 1576**).

*Effective June 15, 2017 (**HB 457**). Effective June 15, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date (**HB 1278**). Effective May 19, 2017 (**SB 256**). Effective May 27, 2017 (**SB 510**). Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date (**SB 1576**).*

SB 256 amends subsection (a) to strike language that required a felony or a Class A misdemeanor conviction of an actor of family violence for the section to apply to a victim of family violence as defined by Family Code Section 71.004.

Effective May 19, 2017.

SB 42 amends subsection (b) to provide that an individual's home address information in appraisal records is confidential and is available only for the official use of the CAD, this state, the Comptroller, taxing units, and political subdivisions if the individual is a federal or state judge, as defined, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration notifies the CAD of the judge's qualification for the judge's office.

Effective Sept. 1, 2017.

Section 25.08

HB 2019 amends subsection (e) to strike "and location" from "statement of ownership and location" and to strike "certified" from "certified copy" in provisions regarding listing a manufactured home together with the land on which the home is located if the statement of ownership for the home issued under Occupations Code Section 1201.207 reflects that the owner has elected to treat the home as real property, and a copy of the statement of ownership has been filed in the real property records in the county in which the home is located.

Effective Sept. 1, 2017.

Section 25.25

SB 945 amends subsection (b) to add to the list of appraisal roll corrections a chief appraiser is permitted to make at any time an erroneous denial or cancellation of any exemption authorized by:

- Tax Code Section 11.13 (Residence Homestead) if the applicant or recipient is disabled or is 65 or older;
- Tax Code Section 11.13(q) regarding a surviving spouse of an individual who qualifies for a specified exemption for the residence homestead of a person 65 or older;
- Tax Code Section 11.131 (Residence Homestead of 100 Percent or Totally Disabled Veteran); or
- Tax Code Section 11.22 (Disabled Veterans).

Effective May 22, 2017.

SB 1767 amends subsection (e) to entitle a property owner in an ARB hearing on a motion to correct an appraisal roll to elect to present the owner's evidence and argument before, after, or between the cases presented by the chief appraiser and each taxing unit.

Effective Jan. 1, 2018, and applies only to a motion to correct an appraisal roll filed on or after the effective date.

SB 2242 adds subsection (p) to require not later than the 45th day after the resolution date of a dispute or error described by Local Government Code Section 72.010(c), regarding a taxing unit boundary dispute or error in certain counties and taxing units located in those counties, the chief appraiser of each applicable CAD is to correct the appraisal roll and other appropriate records as necessary to reflect an agreement under Tax Code Section 31.112(c) or a final order of the supreme court entered under Local Government Code Section 72.010.

Effective June 12, 2017, and applies to property taxes imposed for a tax year beginning before, on, or after the effective date.

Chapter 26. Assessment

Section 26.10

SB 15 amends subsection (b) to add a residence homestead exemption under Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) to the exemptions that, if the exemption is applicable to the property on Jan. 1 of a year and terminates during the year, and if the owner of the property qualifies a different property for one of those residence homestead exemptions during the same year, the tax due against the former residence homestead is prorated according to a specified formula.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**, and applies only to a tax year beginning on or after the effective date.*

Section 26.112

SB 15 amends subsection (a) to add property owned by an individual who qualifies at any time during the tax year for a residence homestead exemption under Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) to the properties for which the amount of the tax due is calculated as if the individual qualified for the exemption on Jan. 1 and continued to qualify for the exemption for the remainder of the tax year.

The bill amends subsection (b) to provide that if an individual qualifies a property for an exemption under Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) after the amount of the tax due on the property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit shall recalculate the amount of the tax due and correct the tax roll.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**, and applies only to a tax year beginning on or after the effective date.*

Section 26.15

HB 2989 amends subsection (f) to specify that if a tax roll correction decreases the tax liability of a property owner after the owner has paid the tax, the taxing unit shall provide the refund to the property owner who paid the tax (rather than to the property owner).

Effective May 26, 2017, and applies only to a refund made on or after the effective date.

Chapter 31. Collections

Section 31.031

SB 1047 reenacts subsection (a) as amended by Chapters 122 (HB 97), 643 (HB 709), and 935 (HB 1597), Acts of the 83rd Legislature, Regular Session, 2013 to provide that installment payments of certain homestead taxes, applies only to an individual who is:

- disabled or at least 65 years of age, and qualified for a residence homestead exemption under Tax Code Section 11.13(c); or
- a disabled veteran or the unmarried surviving spouse of a disabled veteran, and qualified for an exemption under Tax Code Section 11.132 or 11.22.

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Section 31.032

SB 1047 amends subsection (b) to permit a person owning certain real property in a disaster area that is damaged in the disaster to pay a taxing unit's taxes imposed on that property in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments (rather than paying at least one-fourth of the taxes before the delinquency date and the remainder in three equal installments).

The bill adds subsection (b-1) to provide that notwithstanding the deadline prescribed by subsection (b) for payment of the first installment, a person to whom this section applies may pay the taxes in four equal installments if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Section 31.112

SB 2242 adds this section to allow "like taxing units" to which a property owner has made tax payments under protest as a result of a dispute or error described by Local Government Code Section 72.010(c), regarding a taxing unit boundary dispute or error in certain counties and taxing units located in those counties, to enter into an agreement to resolve the dispute or error. This agreement:

- must establish the correct geographic boundary between the taxing units;
- may include an allocation between the taxing units of all or part of the taxes that were paid under protest before the dispute or error was resolved, less any amount that is required to be refunded to the property owner;
- must require the taxing units to refund to the property owner any amount by which the amount paid by the owner to the taxing units exceeds the amount due; and
- must be in writing.

The bill provides that if a dispute or error is resolved by the agreement of the taxing units, a required refund must be made not later than the 90th day after the date on which the agreement is made, and if a dispute or error is determined by final order of the supreme court and not by agreement of the taxing units a required refund must be made not later than the 180th day after the date the order is entered. The bill establishes further requirements regarding refunds. The bill also sets forth the required information that must accompany the refund and a required notification to taxing unit auditors of the refund.

The bill defines "like taxing units" by reference to Local Government Code Section 72.010(a) and provides that this section only applies to taxing units described by Local Government Code Section 72.010(b) that includes certain counties and taxing units (other than a county) with territory in those counties.

Effective June 12, 2017, and applies to property taxes imposed for a tax year beginning before, on, or after the effective date.

Section 31.12

SB 2242 amends subsection (a) to add to the list of refunds that if paid on or before the 60th day after the date the liability for the refund arises, no interest is due on the amount refunded, refunds made under Tax Code Section 31.112 (Refunds of Payments Made to Multiple Like Taxing Units).

The bill amends subsection (b) to provide that if a refund is required by Tax Code Section 31.112 (Refunds of Payments Made to Multiple Like Taxing Units), liability for a refund arises on the date required by Tax Code Section 31.112(d) or (e), as applicable.

Effective June 12, 2017, and applies to property taxes imposed for a tax year beginning before, on, or after the effective date.

Chapter 32. Tax Liens and Personal Liability

Section 32.03

HB 2019 amends subsection (b) to strike "and location" from "statement of ownership and location" in provisions regarding a bona fide purchaser for value or the holder of a lien recorded on a manufactured home statement of ownership is not required to pay any taxes that have not been recorded with TDHCA.

Effective Sept. 1, 2017.

Chapter 33. Delinquency

Section 33.06

HB 217 amends this section to rename the title "Deferred Collection of Taxes on Residence Homestead of Elderly or Disabled Person or Disabled Veteran." The bill amends subsection (a) to add an individual qualified to receive an exemption under Tax Code Section 11.22 (Disabled Veterans) to the individuals entitled to defer collection of a tax, abate a suit to collect a delinquent tax, or abate a sale to foreclose a tax lien if the tax was imposed against property that the individual owns and occupies as a residence homestead.

Effective Sept. 1, 2017.

HB 150 amends subsection (d) to lower from eight percent to five percent the annual interest that continues to accrue during the deferral or abatement period.

*Effective Jan. 1, 2018, contingent on voter approval of **HJR 21**, and applies only to interest that accrues during a deferral or abatement period on or after the effective date, regardless of whether the deferral or abatement period began before that date or begins on or after that date.*

Section 33.73

HB 3389 adds subsection (c) to require the district clerk to collect the fees taxed as costs of suit and award the fees to the master as required under subsection (b) in each delinquent tax suit for which a master is appointed under Tax Code Section 33.71 (Masters for Tax Suits), regardless of the disposition of the suit except that fees may not be collected or awarded in a suit dismissed by the master unless the master held at least one hearing on the suit, or prepared for the suit for at least a number of hours equivalent to the time typically required to conduct a hearing.

Effective Sept. 1, 2017, and applies only to a delinquent tax suit for which a master is appointed that is filed on or after the effective date.

Chapter 34. Tax Sales and Redemption

Section 34.01

HB 1128 adds subsection (r-1) to provide that a sale of real property under this section, other than a sale conducted by means of a public auction using online bidding and sale under subsection (a-1), must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on Jan. 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month.

The bill adds subsection (r-2) to provide that a sale of real property conducted by means of a public auction using online bidding and sale under subsection (a-1), may begin at any time and must conclude at 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on Jan. 1 or July 4, at 4 p.m. on the first Wednesday of the month.

Effective Sept. 1, 2017, and applies only to the sale of real property under Civil Practice and Remedies Code Chapter 34, Subchapter C; Property Code Section 51.002; or Tax Code Section 34.01, for which notice is given on or after the effective date.

Section 34.07

HB 1128 amends subsection (f) to modify the definition of "date of sale" to mean the date (rather than the first Tuesday of the month) on which the sheriff or constable conducted the sale of the property under Tax Code Section 34.01.

Effective Sept. 1, 2017, and applies only to the sale of real property under Civil Practice and Remedies Code Chapter 34, Subchapter C; Property Code Section 51.002; or Tax Code Section 34.01, for which notice is given on or after the effective date.

Chapter 41. Local Review

Section 41.413

HB 804 amends subsection (d) to provide that a property owner shall send to a lessee under a contract described by this section (rather than just to a lessee) a copy of any notice of appraised value of the property received by the property owner. The bill strikes that the notice must be sent timely and adds that the property owner is required to send the notice not later than the 10th day after the date the property owner receives it. This subsection does not apply if the property owner and lessee have agreed in the contract to waive the requirements or that the lessee will not protest the property's appraised value.

The bill adds subsection (e) to permit a lessee under a contract described by this section to request that the chief appraiser send the notice described by subsection (d) to the lessee. Except as provided by subsection (f), the chief appraiser is required to send the notice not later than the fifth day after the date the notice is sent to the property owner if the lessee

demonstrates the lessee's contractual obligation to reimburse the property owner for the property taxes.

The bill adds subsection (f) to provide that a chief appraiser is not required to send the notice requested under subsection (e) if the CAD in which the property is located posts the appraised value of the property on the CAD's Internet website not later than the fifth day after the date the notice is sent to the property owner.

The bill adds subsection (g) to authorize a lessee under a contract described by this section to designate an agent in the manner provided by Tax Code Section 1.111 to act as the agent for any purpose under the Property Tax Code. The designated agent has the same authority and is subject to the same limitations as an agent designated by a property owner under Tax Code Section 1.111.

Effective Sept. 1, 2017, and applies only to a notice of appraised value sent to a property owner on or after the effective date.

Section 41.44

HB 2228 amends subsections (a) and (c) to modify the deadline for a property owner to file a notice of protest to not later than May 15 or the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Tax Code Section 25.19, whichever is later (rather than before May 1 or not later than the 30th day after the date the notice was delivered to the property owner as provided by Tax Code Section 25.19, whichever is later). The bill strikes language that provided different deadlines to file a notice of protest for property that is a single-family residence that qualifies for an exemption under Tax Code Section 11.13 and any other property.

The bill repeals subsection (b-1) regarding the entitlement of an owner of a single-family residence to a hearing and determination of a protest if the property owner files the notice of protest before June 1 and before the appraisal review board approves the appraisal records but after the notice of protest deadline for single-family residences.

Effective Jan. 1, 2018, and applies only to property taxes imposed for a tax year beginning on or after the effective date.

Section 41.45

HB 455 amends subsection (b) and adds subsections (b-1), (b-2), and (b-3) to permit a property owner to offer argument by telephone conference call in a protest hearing. A property owner who appears by telephone conference call must offer any evidence by affidavit. The bill strikes language that required a property owner to attest to an affidavit before an officer authorized to administer oaths.

An ARB is required to conduct a hearing on a protest by telephone conference call if:

- the property owner notifies the ARB that the property owner intends to appear by telephone conference call in the notice of protest or by written notice filed with the ARB not later than the 10th day before the hearing date; or
- the ARB proposes that the hearing be conducted by telephone conference call and the property owner agrees.

If a property owner elects to have a hearing on a protest conducted by telephone conference call, the ARB shall:

- Provide a telephone number for the property owner to call to participate in the hearing; and
- Hold the hearing in a location equipped with telephone equipment that allows each ARB member and the other parties to the protest who are present at the hearing to hear the property owner offer argument.

A property owner is responsible for providing access to a telephone conference call hearing to another person that the owner invites to participate in the hearing.

Effective Sept. 1, 2017, and applies only to a protest under Tax Code Chapter 41 for which a notice of protest is filed on or after the effective date.

SB 1286 amends subsection (h) to require that a chief appraiser, property owner, or property owner's agent must provide a copy of material that the person intends to offer or submit to the ARB at a hearing in the manner and form prescribed by Comptroller rule. The bill strikes "an electronic, magnetic or digital" from the provision regarding the exchange of material preserved on a portable device designed to maintain an electronic, magnetic or digital reproduction of a document or image.

Effective Sept. 1, 2017, and applies only to a protest for which the notice of protest was filed by a property owner with the ARB on or after Jan. 1, 2018. The Comptroller is required to adopt the rules as provided by Tax Code Section 41.45(p) not later than Jan. 1, 2018.

HB 455 amends subsection (n) to provide that a property owner does not waive the right to appear in person at a protest hearing by electing to appear by telephone conference call. For purposes of scheduling the hearing, the property owner must state in the affidavit that the property owner does not intend to appear at the hearing or that the owner intends to appear at the hearing in person or by telephone conference call and that the affidavit may be used only if the owner does not appear at the hearing in person. If the property owner does not state in the affidavit whether the owner intends to appear at the hearing and has not elected to appear by telephone conference call, the ARB is required to consider the submission of the affidavit as an indication that the owner does not intend to appear at the hearing. An ARB is not required to consider an affidavit at a scheduled hearing and may consider it at a hearing designated for the specific purpose of processing affidavits when the owner states in the affidavit that the owner does not

intend to appear at the hearing or does not state whether the owner intends to appear at the hearing in the affidavit and has not elected to appear by telephone conference call.

Effective Sept. 1, 2017, and applies only to a protest under Tax Code Chapter 41 for which a notice of protest is filed on or after the effective date.

SB 1286 amends subsection (o) to modify the preexisting requirement that the appraisal office provide to the property owner or owner's agent audiovisual equipment of the same general type, kind, and character as audiovisual equipment used by the chief appraiser at a hearing to specify that it must be provided in the manner and form prescribed by Comptroller rule.

The bill adds subsection (p) to require the Comptroller to prescribe by rule:

- the manner and form, including security requirements, in which a person must provide a copy of material under subsection (h), which must allow the ARB to retain the material as part of the ARB hearing record; and
- specifications for the audiovisual equipment provided by a CAD for use by a property owner or the owner's agent under subsection (o).

Effective Sept. 1, 2017, and applies only to a protest for which the notice of protest was filed by a property owner with the ARB on or after Jan. 1, 2018. The Comptroller is required to adopt the rules as provided by Tax Code Section 41.45(p) not later than Jan. 1, 2018.

Section 41.66

SB 1767 amends subsection (b) to entitle a property owner who is a party to a protest in an ARB hearing to elect to present the owner's case either before or after the CAD's presentation.

Effective Jan. 1, 2018, and applies only to a protest for which the notice of protest was filed by a property owner or the owner's agent with the ARB on or after the effective date.

Chapter 41A. Appeal Through Binding Arbitration

Section 41A.01

SB 731 amends this section to increase the appraised or market value ceiling at or below which a non-residence homestead property owner is entitled to appeal through binding arbitration an appraisal review board order determining a protest of the property's appraised value, market value, or a protest based on unequal appraisal. The ceiling is increased from $3 million or less to $5 million or less.

Effective Sept. 1, 2017, and applies only to a request for binding arbitration that is filed on or after the effective date.

Section 41A.03

SB 731 amends subsection (a) to require an arbitration deposit of $1,550 if a property does not qualify as a residence homestead under Tax Code Section 11.13 and the property's applicable appraised or market value is more than $3 million but not more than $5 million as determined by the ARB order.

Effective Sept. 1, 2017, and applies only to a request for binding arbitration that is filed on or after the effective date.

Section 41A.06

SB 731 amends subsection (b) to require that to initially qualify to serve as an arbitrator, a person must agree to conduct an arbitration for a fee that is not more than $1,500 if the property does not qualify as a residence homestead under Tax Code Section 11.13 and the property's applicable appraised or market value is more than $3 million but not more than $5 million as determined by the ARB order.

Effective Sept. 1, 2017, and applies only to a request for binding arbitration that is filed on or after the effective date.

Section 41A.061

SB 1286 amends subsection (c) to require the Comptroller to remove a person from the qualified arbitrator registry if the Comptroller determines by clear and convincing evidence that there is good cause to remove the person from the registry, including evidence of repeated bias or misconduct by the person while acting as an arbitrator.

Effective Sept. 1, 2017.

Section 41A.07

SB 1286 amends subsection (a) to require the Comptroller, on receipt of an arbitration request and deposit, to appoint an eligible arbitrator who is listed in the Comptroller's registry, and send notice to the appointed arbitrator requesting the individual to conduct the arbitration hearing. The bill strikes language that the Comptroller send the property owner and the appraisal district a copy of the registry and request that the parties select an arbitrator from the registry, the registry may be sent in paper form or by reference to a website, and to strike the requirement that the parties attempt to select an arbitrator from the registry.

The bill adds subsections (e) and (f) to specify that to be eligible for appointment as an arbitrator, the arbitrator must reside in the county in which the property that is the subject

of the appeal is located, or in this state if no available arbitrator on the registry resides in that county. A person is not eligible for appointment as an arbitrator if at any time during the preceding five years, the person has:

- represented a person for compensation in a Property Tax Code proceeding in the CAD in which the property that is the subject of the appeal is located;
- served as an officer or employee of that CAD; or
- served as a member of the ARB for that CAD.

The bill adds subsection (g) to prohibit the Comptroller from appointing an arbitrator if the Comptroller determines that there is good cause not to appoint the arbitrator, including information or evidence indicating repeated bias or misconduct by the person while acting as an arbitrator.

The bill repeals subsections (b) and (c) regarding appraisal district notification to the Comptroller of arbitrator selection (or inability to select), and Comptroller appointment of the selected arbitrator (if one is selected) or appointment of another arbitrator in the Comptroller's registry (if one is not selected) and related notice to the selected arbitrator.

Effective Sept. 1, 2017, and applies only to a request for binding arbitration received by the Comptroller from a CAD on or after the effective date.

Chapter 156. Hotel Occupancy Tax

Section 156.155

SB 1086 adds this section to prohibit a state agency from posting on a public Internet website information that identifies the taxable receipts of an individual business that is contained in or derived from a record, report, or other document required to be provided under Tax Code Chapter 156 (Hotel Occupancy Tax). This information that is collected or maintained by a state agency is public information under Government Code Section 552.002 and a state agency is required to provide access to the information in the manner provided by Government Code Chapter 552 (Public Information) and the exceptions under Government Code Chapter 552, Subchapter C (Information Excepted from Required Disclosure) do not apply to the information.

Effective May 18, 2017.

Chapter 311. Tax Increment Financing Act

Section 311.0092

SB 1465 adds this section to provide that not later than the 90th day after the date a member of the state senate or state house of representatives who is an ex officio member of the board of directors of a reinvestment zone under Tax Code Section 311.009(b) or 311.0091(c), as applicable, is elected to the state senate or the state house of representatives, as applicable, at a general or special election, the board shall send to the member written notice by certified mail of board membership. Notwithstanding Tax Code Section 311.009(b) or 311.0091(c), as applicable, a state senator or state representative may elect not to serve on the board or designate another individual to serve in the member's place. If the state senator or state representative elects not to serve on the board or designate another individual to serve in the member's place, the state senator or state representative shall notify the board in writing as soon as practicable after receipt of the notice of board membership by certified mail and may not be counted as a member of the board for voting or quorum purposes.

Effective Sept. 1, 2017.

Chapter 312. Property Redevelopment and Tax Abatement Act

Section 312.0021

SB 277 adds this section to provide that notwithstanding any other provision of Tax Code Chapter 313, an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone may not receive an exemption from taxation of any portion of the value of the parcel of real property or of tangible personal property located on that real property under a tax abatement agreement that is entered into on or after Sept. 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of real property at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone. The prohibition does not apply if the wind-powered energy device is installed or constructed as part of an expansion or repowering of an existing project.

The bill defines "military aviation facility" as a base, station, fort, or camp at which fixed-wing aviation operations or training is conducted by one of the specified military entities, and "wind-powered energy device" by reference to Tax Code Section 11.27.

Effective Sept. 1, 2017, but does not apply to a tax abatement agreement under Tax Code Chapter 312 or an application for

a limitation on appraised value under Tax Code Chapter 313, the approval of which is pending on the effective date. The bill sets forth legislative findings and the purpose of the legislation and provides that the bill may not be construed as limiting the ability to receive a tax benefit under Tax Code Chapter 312 or 313 for property on which a wind-powered energy device is installed or constructed other than under the conditions relating to the proximity of that property to a military aviation facility as expressly provided for by the bill.

Chapter 313. Texas Economic Development Act

Section 313.024

SB 277 adds subsection (b-1) to provide that notwithstanding any other provision of Tax Code Chapter 313, Subchapter B, an owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value under Tax Code Chapter 313, Subchapter B for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after Sept. 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

The bill amends subsection (e) to define "military aviation facility" by reference to Tax Code Section 312.0021 and "wind-powered energy device" by reference to Tax Code Section 11.27.

Effective Sept. 1, 2017, but does not apply to a tax abatement agreement under Tax Code Chapter 312 or an application for a limitation on appraised value under Tax Code Chapter 313, the approval of which is pending on the effective date. The bill sets forth legislative findings and the purpose of the legislation and provides that the bill may not be construed as limiting the ability to receive a tax benefit under Tax Code Chapter 312 or 313 for property on which a wind-powered energy device is installed or constructed other than under the conditions relating to the proximity of that property to a military aviation facility as expressly provided for by the bill.

Chapter 321. Municipal Sales and Use Tax Act

Section 321.409

HB 3046 amends subsection (a) to allow a municipality to use a combined ballot proposition to lower or repeal any municipal sales tax (including the additional sales tax for property tax relief) and by the same proposition raise or adopt any other municipal sales tax (including the additional sales tax for property tax relief), rather than allowing this procedure for any dedicated or special purpose municipal sales tax.

Effective June 15, 2017.

Civil Practice and Remedies Code

Section 16.0265

SB 1249 adds this section titled "Adverse Possession By Cotenant Heirs: 15-Year Combined Limitations Period." In addition to other provisions, the bill adds subsection (b) to provide procedures for one or more cotenant heirs of a real property to acquire the interests of other cotenant heirs in the property by adverse possession, if for a continuous, uninterrupted 10-year period immediately preceding the filing of certain required affidavits, the possessing cotenant heir or heirs hold the property in peaceable and exclusive possession; cultivate, use, or enjoy the property; and pay all property taxes on the property no later than two years after the date the taxes become due and no other cotenant heir has:

- contributed to the property's taxes or maintenance;
- challenged a possessing cotenant heir's exclusive possession of the property;
- asserted any other claim against a possessing cotenant heir in connection with the property, such as the right to rental payments from a possessing cotenant heir;
- acted to preserve the cotenant heir's interest in the property by filing notice of the cotenant heir's claimed interest in the deed records of the county in which the property is located; or
- entered into a written agreement with the possessing cotenant heir under which the possessing cotenant heir is allowed to possess the property but the other cotenant heir does not forfeit that heir's ownership interest.

Effective Sept. 1, 2017.

Section 34.041

HB 1128 renames the title of this section to "Sale at Place Other Than Courthouse Door; Date and Time of Sale."

The bill adds subsection (c) to provide that a sale of real property under Civil Practice and Remedies Code Chapter 34, Subchapter C, must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on Jan. 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month. Notwithstanding Government Code Section 22.004, the supreme court may not amend or adopt rules in conflict with this subsection.

Effective Sept. 1, 2017, and applies only to the sale of real property under Civil Practice and Remedies Code Chapter 34, Subchapter C; Property Code Section 51.002; or Tax Code Section 34.01, for which notice is given on or after the effective date.

Education Code

Section 12.106

HB 21 (1st CS) amends this section to add provisions regarding open-enrollment charter school funding, including funding calculated using, in part, an existing allotment under Education Code Chapter 46 (Assistance with Instructional Facilities and Payment of Existing Debt). Among other provisions, the bill specifies the authorized uses for these funds: to lease an instructional facility; pay property taxes imposed on an instructional facility; pay debt service on bonds issued to finance an instructional facility; or for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.

Effective Sept. 1, 2018.

Section 42.2532

SB 2242 adds this section to require the TEA commissioner to adjust the amounts due to a school district under Education Code Chapter 42 and 46 as necessary to account for the resolution of a dispute or error involving the district and another district by an agreement between the districts entered into under Tax Code Section 31.112(c) or by a final order of the supreme court entered under Local Government Code Section 72.010.

Effective June 12, 2017, and applies to property taxes imposed for a tax year beginning before, on, or after the effective date.

Sections 42.451 - 42.460, Subchapter H

HB 21 (1st CS) adds this new subchapter titled "Financial Hardship Transition Program" to Education Code Chapter 42 to create a grant program for school districts to defray financial hardships resulting from changes made to Education Code Chapters 41 and 42 that apply after the 2016-2017 school year. In addition to other provisions in this subchapter, the bill sets forth the formula to calculate the grant award amounts which includes, in part, a school district's maintenance and operation tax rate as specified by the Comptroller's most recent certified report. This subchapter expires Sept. 1, 2019.

Effective Nov. 14, 2017.

Sections 42.601 - 42.609, Subchapter L

HB 21 (1st CS) adds this new subchapter titled "Texas Commission on Public School Finance" to Education Code Chapter 42 to establish the Texas Commission on Public School Finance to develop and make recommendations for improvements to the current public school finance system or for new methods of financing public schools. The bill sets forth provisions regarding the appointment of the 13 members on the commission, presiding officers, compensation and reimbursement, administrative support and funding, public meetings and information, and recommendations. The commission must prepare and deliver a report not later than Dec. 31, 2018, to the governor and the legislature. The bill provides that the report recommend statutory changes to improve the public school finance system, including any adjustments to funding to account for student demographics. The commission is abolished Jan. 8, 2019 and this subchapter expires on that date.

Effective Nov. 14, 2017, and the bill requires that not later than the 30th day after this effective date, the appropriate persons shall make the appointments and designations required by Education Code Section 42.602.

Section 130.307

SB 2118 transfers Education Code Section 130.0012(e) to Education Code Chapter 130, Subchapter L, and redesignates it as Education Code Section 130.307 to set forth provisions for the THECB to determine whether a public junior college may offer baccalaureate degree programs, including authorizing a public junior college to offer a baccalaureate degree program under this subchapter only if its junior college district: (1) had a taxable property valuation amount of not less than $6 billion in the preceding year; and (2) received a positive assessment of the overall financial health of the district as reported by THECB.

Effective June 12, 2017.

Government Code

Section 313.006

SB 1987 renames the title of this section to "Notice for Laws Establishing or Adding Territory to Municipal Management Districts" and amends subsections (a), (b), and (d) to provide that when a person intends to add territory to a special district that incorporates a power from Local Government Code Chapter 375 (Municipal Management Districts In General), the person must provide notice as provided by this section. The notice must be mailed to each person who owns real property in the territory proposed to be added to the existing district according to the most recent certified appraisal tax roll. The mailed notice is not required if the property cannot be subject to assessment by the district.

The bill adds subsection (e) to require notice by mail to owners of real property proposed to be included in a new district or to be added to an existing district when legislation has been introduced to establish or add territory to a special district that incorporates a power from Local Government Code Chapter 375 (Municipal Management Districts In General).

The bill adds subsection (f) to authorize a landowner to waive any notice under this section at any time.

Effective June 12, 2017.

Sections 403.0241 and 403.0242

SB 625 adds these sections to require the Comptroller to create and make accessible on the Internet a database, to be known as the Special Purpose District Public Information Database, that contains information regarding special purpose districts, as defined, that are authorized to impose a property tax or a sales and use tax, to impose an assessment, or to charge a fee; and that during the most recent fiscal year:

- had bonds outstanding;
- had gross receipts from operations, loans, taxes, or contributions in excess of $250,000; or
- had cash and temporary investments in excess of $250,000.

The bill specifies the information that must be included in the database for each special purpose district, including:

- the name of the district and its contact information;
- the name of each board member and the name of the general manager, executive director, or person performing those functions;
- the name and contact information of specified contractors;
- the district's Internet website address, if any; and
- certain financial and bond information, and if applicable, sales and use tax rate, and property tax rate for the most recent tax year, as defined.

The Comptroller may consult with the appropriate officer of, or other person representing, each special purpose district to obtain the information necessary to operate and update the database. To the extent the database information is collected or maintained by a state agency or special purpose district, the Comptroller may require those entities to provide the information and updates as necessary for inclusion in the database. The Comptroller is required to update the information in the database annually, may not charge a fee to the public to access the database, and may establish procedures and adopt rules.

The Comptroller is required to prepare and maintain a noncompliance list of special purpose districts that have not timely complied with a requirement to provide the information under Local Government Code Section 203.062.

Effective Sept. 1, 2017, but the Comptroller is required to implement the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Comptroller may, but is not required to, implement the bill. The Comptroller is required to create and post on the Internet the Special Purpose District Public Information Database required by this section not later than Sept. 1, 2018. Not later than Jan. 1, 2018, the Comptroller is required to send written notice to each special purpose district described by Government Code Section 403.0241(b) that describes the changes in law made by the bill. Each special purpose district that receives notice is required to submit to the Comptroller any information required under Government Code Section 403.0241, or Local Government Code Section 203.062 not later than the 90th day after the date the district receives the notice.

Section 403.302

SB 15 amends subsection (d-1) to provide that for purposes of subsection (d), a residence homestead that receives an exemption under Tax Code Section 11.134 (Residence Homestead of Surviving Spouse of First Responder Killed in Line of Duty) in the year that is the subject of the Comptroller's property value study is not considered to be taxable property.

*Effective Jan. 1, 2018, contingent on voter approval of **SJR 1**.*

Section 551.001

SB 1440 amends this section to modify the definition of "meeting" to provide that the term does not include the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate.

Effective Sept. 1, 2017.

Section 551.089

HB 8 and **SB 564** rename the title of this section to "Deliberation Regarding Security Devices or Security Audits;

Closed Meeting" and amend this section to provide that this chapter does not require a governmental body (rather than the governing board of the Department of Information Resources) to conduct an open meeting to deliberate:

- security assessments or deployments relating to information resources technology;
- network security information as described by Government Code Section 2059.055(b); or
- the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

*Effective Sept. 1, 2017, and the bill does not apply to the Electric Reliability Council of Texas (**HB 8**). Effective Sept. 1, 2017 (**SB 564**).*

Section 551.127

HB 3047 reenacts this section, as amended by Chapters 159 (SB 984) and 685 (HB 2414), Acts of the 83rd Legislature, Regular Session, 2013, and amends the section to provide that a member of a governmental body who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The governmental body may continue the meeting only if a quorum of the body remains present at the meeting location or, if applicable, continues to participate in a meeting conducted under subsection (c).

Effective Sept. 1, 2017.

Section 551.128

HB 523 amends subsection (b-1) to require a governmental body that is an elected school district board of trustees for a school district that has a student enrollment of 10,000 or more to make a video and audio recording of reasonable quality of each open meeting that is a work session or special called meeting if at the work session or special called meeting, the board of trustees votes on any matter or allows public comment or testimony.

Effective Sept. 1, 2017, and applies only to an open meeting held on or after the effective date.

Section 552.117

HB 1278, SB 42, and **SB 1576** amend subsection (a) to add to the individuals for whom information related to the home address, home telephone number, emergency contact information, or social security number is excepted from the open record requirements of Government Code Section 552.021 (Availability of Public Information):

- current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former attorney complies with Government Code Section 552.024 or Section 552.1175 (**HB 1278**);
- current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former employee complies with Government Code Section 552.024 or Section 552.1175 (**HB 1278**);
- current or former federal judge or state judge, as defined, or a spouse of a current or former federal judge or state judge (**SB 42**);
- current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter (**SB 42**); and
- current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office, regardless of whether the current or former employee complies with Government Code Section 552.024 or Government Code Section 552.1175 (**SB 1576**).

*Effective June 15, 2017, and applies only to a request for information that is received by a governmental body or public information officer on or after the effective date (**HB 1278**). Effective Sept. 1, 2017 (**SB 42**). Effective Sept.1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date (**SB 1576**).*

Section 552.1175

SB 1576 renames the title of this section "Confidentiality of Certain Personal Identifying Information of Peace Officers, County Jailers, Security Officers, Employees of Certain State Agencies or Certain Criminal or Juvenile Justice Agencies or Offices, and Federal and State Judges."

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

HB 1278 and **SB 1576** amend subsection (a) to add to the list of individuals for whom information related to the home address, home telephone number, emergency contact information, date of birth, social security number, or reveals family members is confidential if the individual chooses to restrict public access and notifies the governmental body of the choice on a form provided by the governmental body accompanied by evidence of the individual's status:

- a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters (**HB 1278**);
- a current or former employee (rather than an employee) of a district attorney, criminal district attorney, or county or

municipal attorney whose jurisdiction includes any criminal law or child protective services matters (**HB 1278**); and
- current or former employees of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office (**SB 1576**).

*Effective June 15, 2017, and applies only to a request for information that is received by a governmental body or public information officer on or after the effective date (**HB 1278**). Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date (**SB 1576**).*

Section 552.139

HB 1861 and **SB 532** amend subsection (b) to add to the types of information that is confidential, information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

The bills add subsection (b-1) to provide that new subsection (b)(4) does not affect the notification requirements related to a breach of system security as defined by Business & Commerce Code Section 521.053.

*Effective June 15, 2017, and applies only to a request for public information received on or after the effective date (**HB 1861**). Effective Sept. 1, 2017, and applies only to a request for public information received on or after the effective date (**SB 532**).*

HB 8 adds subsection (d) to provide that when posting a contract on an Internet website as required by Government Code Section 2261.253, a state agency shall redact information made confidential by this section or excepted from public disclosure by this section. Redaction under this subsection does not except information from the requirements of Government Code Section 552.021.

Effective Sept. 1, 2017, and the bill does not apply to the Electric Reliability Council of Texas.

HB 1861 adds subsection (d) to provide that a state agency shall redact from a contract posted on the agency's Internet website under Government Code Section 2261.253, information that is made confidential by, or excepted from required public disclosure under this section. The redaction of information under this subsection does not exempt the information from the requirements of Government Code Section 552.021 or 552.221.

Effective June 15, 2017, and applies only to a request for public information received on or after the effective date.

Section 552.158

SB 705 adds this section to provide that the following information obtained by the governor or senate in connection with an applicant for an appointment by the governor is excepted from the requirements of Government Code Section 552.021:

- the applicant's home address;
- the applicant's home telephone number; and
- the applicant's social security number.

Effective May 29, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

Section 552.221

SB 79 amends subsections (b-1) and (b-2) to replace "political subdivision of this state" and "political subdivision" with "governmental body" in provisions relating to a governmental body referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website maintained by the governmental body for that governmental body to comply with the requirement to promptly produce requested public information.

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

HB 3107 adds subsection (e) to provide that a request for public information is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F (Charges for Providing Copies of Public Information) on or before the 60th day after the date the requestor is informed of the charges.

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

Section 552.261

HB 3107 adds subsection (e) to provide that, except as otherwise provided by this subsection, all requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs under Government Code Chapter 552. A governmental body may not combine multiple requests under this subsection from separate individuals who submit requests on behalf of an organization.

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

Section 552.275

HB 3107 amends subsection (a) to specify that a governmental body may establish reasonable monthly and yearly limits (rather than a reasonable limit) on the amount of time that

personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

The bill adds subsection (a-1) to provide that, for purposes of this section, all county officials who have designated the same officer for public information may calculate the amount of time that personnel are required to spend collectively for purposes of the monthly or yearly limit.

The bill amends subsection (b) to provide that a yearly time limit (rather than time limit) established under subsection (a) may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body. A monthly time limit established under subsection (a) may not be less than 15 hours for a requestor for a one-month period.

The bill amends subsection (d) to replace "12-month" period with "monthly or yearly" period in provisions regarding a governmental body that has established time limits for its personnel to spend complying with each requestor's request without recovering its costs to provide a written statement to the requestor of the amount of personnel time spent complying with each request for public information and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period.

The bill amends subsection (e) to provide that the preexisting requirement of a governmental body to provide a requestor for whom personnel spent time complying with the requestor's cumulative requests equals or exceeds the personnel time limit established under subsection (a), with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request, is subject to subsection (e-1).

The bill adds subsection (e-1) to provide that this subsection applies only to a request made by a requestor who has made a previous request to a governmental body that has not been withdrawn, for which the governmental body has located and compiled documents in response, and for which the governmental body has issued a statement under subsection (e) that remains unpaid on the date the requestor submits the new request. A governmental body is not required to locate, compile, produce, or provide copies of documents or prepare a statement under subsection (e) in response to a new request described by this subsection until the date the requestor pays each unpaid statement issued under subsection (e) in connection with a previous request or withdraws the previous request to which the statement applies.

The bill amends subsection (g) to provide that if a governmental body provides a requestor with the written statement under subsection (e) and the time limits prescribed by subsection (a) regarding the requestor have been exceeded, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the governmental body provided the written statement under that subsection, the requestor submits payment of the amount stated in the written statement provided under subsection (e). The bill strikes a provision that allowed the requestor to commit in a written statement to pay the lesser of this stated amount or the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead.

The bill amends subsection (h) to replace "the written statement" with "payment" to provide that if the requestor fails or refuses to submit payment under subsection (g), the requestor is considered to have withdrawn the requestor's pending request for public information.

The bill amends subsection (j) to strike language that specified that this section does not apply to certain individual requestors who are seeking information for radio or television broadcast stations, newspapers, or magazines, as described. Instead, the bill provides that this section does not apply to certain individual requestors who are seeking the information for dissemination by a news medium or communication service provider, including:

- an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
- an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information.

The bill also provides that this section does not apply if the requestors, as described, are seeking the information for creation or maintenance of an abstract plant as described by Insurance Code Section 2501.004.

The bill adds subsection (m) to provide that "communication service provider" has the meaning assigned by Civil Practice and Remedies Code Section 22.021 and "news medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

- print;
- television;
- radio;
- photographic;
- mechanical;
- electronic; and

- other means, known or unknown, that are accessible to the public.

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

Section 552.3215

HB 3107 amends subsection (i) to provide that a complainant is entitled to file a complaint with the attorney general on or after the 90th day after the date the complainant files the complaint with a district or county attorney if the district or county attorney has not brought an action under this section.

Effective Sept. 1, 2017, and applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date.

Section 1201.0245

SB 295 amends subsection (j) to provide that this section (rather than just subsection (b), regarding a prohibition on issuance of capital appreciation bonds that are secured by property taxes unless specified conditions are met) does not apply to the issuance of refunding bonds under Government Code Chapter 1207, or capital appreciation bonds for the purpose of financing transportation projects.

Effective Sept. 1, 2017, and does not apply to a refunding bond or a capital appreciation bond issued before the effective date.

Section 2051.0441

HB 2985 amends subsection (a) to modify the notices to which this section applies to certain notices published by a governmental entity or representative in a county with a population of at least 30,000 and not more than 39,000 (rather than 36,000) that borders the Red River; or that does not have a newspaper described by Government Code Section 2051.044 published in the county.

Effective Sept. 1, 2017.

Health and Safety Code

Sections 288.202, 291.152, 292.152, 293.152, 294.152, 295.152, 296.152, and 297.152

SB 1462 amends these chapters to strike language requiring the applicable county or city tax assessor-collector to collect a mandatory health care funding district or health care provider participation program payment, and to deduct from the payment a collections fee. The deleted language allowed the applicable entity to contract for the payment assessment and collection in the manner provided by Tax Code, Title 1 for the assessment and collection of property taxes. The bill deleted other provisions regarding the fee. To replace the deleted language, the bill provides that the applicable county or city may collect or, using a competitive bidding process, contract for the assessment and collection of authorized mandatory payments.

Effective June 9, 2017.

Section 291A.153

HB 2995 adds a new chapter to the Health and Safety Code, Chapter 291A (County Health Care Provider Participation Program In Certain Counties). The bill includes this section to provide that interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county property taxes.

Effective June 15, 2017, and if before implementing any provision of this bill a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Section 292A.153

HB 2062 adds a new chapter to the Health and Safety Code, Chapter 292A (County Health Care Provider Participation Program In Certain Counties Bordering Red River). The bill includes this section to provide that interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county property taxes.

Effective June 15, 2017, and if before implementing any provision of this bill a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Section 292B.153

HB 3954 adds a new chapter to the Health and Safety Code, Chapter 292B (County Health Care Provider Participation Program In Certain Counties Bordering County Containing State Capitol). The bill includes this section to provide that interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county property taxes.

Effective May 26, 2017, and if before implementing any provision of this bill a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of

that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Section 293A.153

HB 3398 adds a new chapter to the Health and Safety Code, Chapter 293A (County Health Care Provider Participation Program In Certain Counties Including Portion of Concho River). The bill includes this section to provide that interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county property taxes.

Effective June 12, 2017, and if before implementing any provision of this bill a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Sections 711.001, 711.004, 711.010, 711.011, 711.0111, 711.041, and 712.0441

SB 1630 amends these sections to define "abandoned cemetery," "unidentified grave," "unknown cemetery, " and "unverified cemetery" and to provide that "unmarked grave" means the immediate area where one or more human interments are found that is not in a recognized and maintained cemetery; is not owned or operated by a cemetery organization; is not marked by a tomb, monument, gravestone, or other structure or thing placed or designated as a memorial of the dead; or is located on land designated as agricultural, timber, recreational, park, or scenic land under Tax Code Chapter 23.

The bill provides that for unmarked graves contained within an abandoned, unknown, or unverified cemetery, a justice of the peace acting as coroner or medical examiner under Code of Criminal Procedure Chapter 49, or a person described by Health and Safety Code Section 711.0105(a) may investigate or remove remains without written order of the state registrar or the state registrar's designee.

If a court orders the removal of a dedication of a cemetery and all human remains in that cemetery have not previously been removed, the court is required to order the removal of the human remains to a perpetual care cemetery or a municipal or county cemetery. The Texas Historical Commission, with consent of the landowner, may investigate a suspected but unverified cemetery or may delegate the investigation to a qualified person described by Health and Safety Code Section 711.0105(a).

The bill modifies the requirement that a person who discovers an unknown or abandoned cemetery must file notice of the discovery with the county clerk to include a requirement that the person concurrently mail notice to the landowner on record in the CAD not later than the 10th day after the discovery date.

The bill requires a person who discovers an unverified cemetery to file a notice and evidence of the discovery with the Texas Historical Commission and concurrently to provide the notice to the landowner on record in the CAD. The bill sets forth a process for the Texas Historical Commission to evaluate a notice, evidence of discovery, and the landowner's response, if any; make a determination whether a cemetery exists; notify the landowner on record in the CAD of the determination; and ensure any notice on file with the county clerk under Health and Safety Code Section 711.011, is correct.

The bill provides that Health and Safety Code Section 711.041 (Access To Cemetery) does not apply to an unverified cemetery.

Effective Sept. 1, 2017.

Local Government Code

Section 43.0755

SB 1015 adds this section to permit, notwithstanding any other law (including specified Local Government Code sections prescribing population or territorial requirements for incorporation), the governing body of certain special districts that have entered into a regional participation agreement as described with an eligible municipality, consistent with the regional participation agreement, to submit to the qualified voters of the district the question of whether the territory of the district (or a designated area of the district) should be incorporated as a municipality or adopt a specific alternate form of local government other than a municipality. Notwithstanding any other law, the bill sets forth provisions regarding this election and authorizes the governing body of the district to determine whether all or any part of the territory of the district is to be incorporated as a Type A, Type B, or Type C municipality.

The district's governing body is required to submit to the voters, using specific ballot language, the proposed initial property tax rate determined for the municipality or alternate form of government, which may not exceed the maximum rate authorized by law. The district's governing body may also submit to the voters any other measure the governing body considers necessary and convenient to effectuate the transition to a municipal or alternate form of local government, including the issuance of bonds and the imposition of a tax. The bill makes other provisions and procedures for the election.

If a majority of the voters approve the proposition submitted on the form of local government, the bill provides procedures for a temporary governing body; the election of members of the new governing body; date of the incorporation or establishment of the approved municipality or alternate form of local government; disposition of the assets, liabilities, and obligations of the former district or portion of the district; and pro rata share of indebtedness in the designated area.

For purposes of determining the initial tax rate of a municipality or an alternate form of local government, the tax rate of the district when the territory incorporated or established as an alternate form of government was part of the district is not considered in the effective and rollback tax rate calculations under Tax Code Section 26.04(c).

Effective June 9, 2017.

Section 72.010

SB 2242 adds this section, which applies only to certain counties and to taxing units (other than a county) that have territory in those counties, to provide that if, as a result of disputed, overlapping, or erroneously applied geographic boundaries between "like taxing units," multiple "like taxing units" have imposed property taxes on the same property, the property owner may file suit in the supreme court to:

- establish the correct geographic boundary between the taxing units; and
- determine the amount of taxes owed on the property and the taxing unit or units to which the taxes are owed.

The supreme court has original jurisdiction to hear and determine these suits, may issue injunctive or declaratory relief in connection with the suit, and is required to enter a final order determining such a suit not later than the 90th day after the date the suit is filed.

The bill defines "like taxing units" as counties or other taxing units that are of the same type as one another and that by law may not include the same geographic territory, and "taxing unit" by reference to Tax Code Section 1.04.

Effective June 12, 2017, and applies to property taxes imposed for a tax year beginning before, on, or after the effective date.

Section 130.006

SB 492 amends this section to add to the items that may be included in a county tax-assessor collector's procedures for the collection of dishonored checks and credit card invoices, the referral of a dishonored check or credit card invoice to a private collection agency.

The bill adds subsection (b) to permit a private collection agency receiving a dishonored check or credit card invoice referral from a county tax assessor-collector to charge a fee to the person responsible for the dishonored check or invoice in an amount equal to any amount authorized by Local Government Code Section 118.011 for a returned check.

Effective May 4, 2017.

Section 140.0045

SB 622 adds this section to require that, except for a junior college districts' budget, the proposed budget of a political subdivision must include a line item indicating expenditures for notices required by law to be published in a newspaper by the political subdivision or its representative that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

Effective June 9, 2017, and applies only to a proposed budget for a fiscal year beginning on or after Jan. 1, 2018.

Sections 203.061, 203.062, and 203.063, Subchapter D

SB 625 adds this new subchapter titled "Records and Information Provided to Comptroller" to the Local Government Code to require a special purpose district, as defined, to transmit records and other information to the Comptroller annually in a form and manner prescribed by the Comptroller for purposes of providing information to operate and update the Special Purpose District Public Information Database under Government Code Section 403.0241. The special purpose district may comply by affirming that records and other information previously transmitted are correct.

The bill requires the Comptroller to provide written notice to a special purpose district if it does not timely comply with the requirements to provide the specified information. The notice must inform the district it is in violation and notify the district that it will be subject to a $1,000 penalty if it does not comply on or before the 30th day after the date the notice is provided. If the required information is not provided by this deadline, the bill sets forth procedures for the assessment and notice of the $1,000 civil penalty and notice of an additional $1,000 penalty and being listed on the noncompliance list under Government Code Section 403.0242 if the information is not reported on or before the 30th day after that notice. If the required information is not provided by this deadline, the special purpose district is liable for the additional $1,000 penalty, the Comptroller must reflect the noncompliance on the list under Government Code Section 403.0242 until all required information is provided, and the Comptroller must notify the special purpose district that the noncompliance will be reflected in the list until all the required information is reported.

The attorney general may sue to collect the civil penalty.

Effective Sept. 1, 2017, but the Comptroller is required to implement the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate

money specifically for that purpose, the Comptroller may, but is not required to, implement the bill. Not later than Jan. 1, 2018, the Comptroller shall send written notice to each special purpose district described by Government Code Section 403.0241(b) that describes the changes in law made by the bill. Each special purpose district that receives notice shall submit to the Comptroller any information required under Government Code Section 403.0241, or Local Government Code Section 203.062 not later than the 90th day after the date the district receives the notice.

Section 250.008

HB 1449 adds this section to prohibit a political subdivision from adopting or enforcing a charter provision, ordinance, order, or other regulation that imposes, directly or indirectly, a fee on new construction for the purposes of offsetting the cost or rent of any unit of residential housing. The bill specifies, for the purposes of this section, what is considered an indirect fee on new construction and what is considered new construction.

The bill provides that this section does not apply to an affordable housing and property tax abatement program adopted under Local Government Code Chapter 378 or Tax Code Chapter 312, by a municipality with a population of more than 700,000; and for which eligibility is maintained as required under Tax Code Chapter 312, as applicable. This section does not apply to an ordinance, order, or other similar measure that permits the voluntary payment of a fee in lieu of other consideration to a political subdivision in connection with the issuance of a zoning waiver related to new construction that allows a multifamily residential or commercial structure to exceed height or square footage limitations.

The bill provides that a charter provision, ordinance, order, or other regulation adopted by a political subdivision that conflicts with this section is null and void.

Effective May 29, 2017, and does not apply to an agreement relating to providing subsidized housing entered into before the effective date.

Section 375.022

SB 1987 amends subsection (b) to remove one of the ways that a petition to create a municipal management district must be signed by striking "by 50 persons who own real property in the proposed district, if, according to the most recent certified county property tax rolls, more than 50 persons own real property in the proposed district."

Effective June 12, 2017.

Section 552.024

HB 101 adds this section which applies only to a home-rule municipality that:

- has a population of at least 99,000 and not more than 160,000;
- is located in two counties, only one of which has a population of at least 132,000 and not more than 170,000; and
- owns and operates a water system, sewer system, or combined system.

The bill provides that a municipality may execute, perform, and make payments under a contract with any person for the development of a reclaimed water project, as described, and the provision of water from that project. A contract entered into under this section is an obligation of the municipality and may provide that the contract is payable from a pledge of the revenues of the water system, sewer system, or combined system of the municipality; or the payments from the municipality are an operating expense of the water system, sewer system, or combined system of the municipality. These contracts may not be made payable from property taxes. The bill sets forth additional contract provisions. The bill provides that to the extent that there is a conflict with another statute or municipal charter provision or ordinance, this section controls.

Effective May 23, 2017, and applies to a contract entered into before the effective date and that is made contingent on this bill taking effect.

Occupations Code

Sections 1104.003, 1104.004, and 1104.052

SB 1516 amends these sections related to the registration and regulation of appraisal management companies. The bill includes these sections to define a "federally regulated appraisal management company" as an appraisal management company that is owned and controlled by an insured depository institution, as defined by 12 U.S.C. Section 1813, and regulated by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, or the successors of any of these agencies.

The bill provides that this chapter does not apply to (among other previously excluded entities):

- an appraisal management company operating only in this state with an appraisal panel of not more than 15 appraisers at all times during a calendar year;
- an appraisal management company operating in multiple states, including this state, with an appraisal panel of not more than 24 appraisers in all states at all times during a calendar year; or
- subject to Occupations Code Section 1104.052(c), a federally regulated appraisal management company.

The bill requires TALCB to collect from each federally regulated appraisal management company operating in this state:

- the national registry fee required by the appraisal subcommittee;
- information regarding the determination of the national registry fee as required by the appraisal subcommittee;
- a fee in an amount that is sufficient for administration as established by board rule; and
- any other information required by state or federal law.

TALCB is required to deposit national registry fees (rather than registry fees) to the credit of the appraiser registry account in the general revenue fund.

Effective Sept. 1, 2017. As soon as practicable after the effective date, TALCB shall adopt rules and fees necessary to implement Occupations Code Chapter 1104, as amended. The bill applies only to:

- *an application submitted to the TALCB on or after the effective date;*
- *an application for renewal of a registration that expires on or after the effective date; and*
- *a disciplinary proceeding or a contested case hearing under Occupations Code Chapter 1104 for conduct that occurs on or after the effective date.*

Section 1201.003

HB 2019 amends this section to modify definitions related to manufactured homes. Among these modifications is the repeal of the definition of "lease-purchase" and "trust fund;" removal of references to "lease-purchase" from other definitions, including from the definition of "retailer;" and the modification of "statement of ownership and location" to "statement of ownership."

Effective Sept. 1, 2017.

Section 1201.010

HB 2019 adds this section to require TDHCA to provide to the public through its Internet website searchable and downloadable information regarding manufactured home ownership records, lien records, installation records, license holder records, and enforcement actions.

Effective Sept. 1, 2017.

Section 1201.201

HB 2019 amends this section to modify definitions to remove "and location" from references to "statement of ownership and location," remove a reference to "lease-purchase," and add the definition of "certificate of attachment" as a written instrument issued solely by and under the authority of the executive director of the manufactured housing division of TDHCA before Sept. 1, 2001, that provides the information required by former Section 19(1), Texas Manufactured Housing Standards Act, as that subsection existed before that date. Beginning Sept. 1, 2003, a certificate of attachment is considered to be a statement of ownership and may be exchanged for a statement of ownership as provided by Occupations Code Section 1201.214. The bill redefines "inventory" to mean new and used manufactured homes that a retailer has designated as the retailer's inventory for sale pursuant to the process implemented by TDHCA; and are not used as residential dwellings when so designated.

Effective Sept. 1, 2017.

Section 1201.205

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location" in preexisting provisions relating to the required contents of the statement of ownership form. The bill amends the preexisting required contents of the form to require that the form contain a statement of whether the owner has elected to treat the home as real property (rather than to treat the home as real property or personal property). The bill also amends the preexisting required contents of the form to require that the form contain a statement of whether the home is reserved for business use only or for another nonresidential use (rather than whether the home is reserved for business use only).

Effective Sept. 1, 2017.

Section 1201.2055

HB 2019 amends this section to strike "certified" from "certified copy" and to strike "and location" from "statement of ownership and location" in preexisting provisions relating to a manufactured homeowner's election to treat the home as real property in the application for the statement of ownership. The bill modifies a preexisting provision referencing this election to specify that the election is whether to treat the home as real property (rather than an election whether to treat the home as personal property or real property). The bill modifies a preexisting provision relating to the statement of ownership as evidence of ownership to modify a reference to an owner of a manufactured home treated as personal property (rather than an owner who has elected to treat a manufactured home as personal property).

Effective Sept. 1, 2017.

Section 1201.206

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location" and to modify when a statement from the tax assessor-collector must be filed with TDHCA to add when an application is filed for the issuance of a statement of ownership for a used manufactured home being converted from personal property to real property in accordance with Occupations Code Section

1201.2075. The statement from the tax assessor-collector must indicate that, with respect to each Jan. 1 occurring in the 18-month period preceding the date of the sale, there are no perfected and enforceable tax liens on the manufactured home that have not been extinguished and canceled in accordance with Tax Code Section 32.015, or personal property taxes due on the manufactured home (rather than must indicate that there are no personal property taxes due on the manufactured home that may have accrued on each Jan. 1 that falls within the 18 months before the date of the sale).

The bill repeals subsection (i) regarding the requirement that the notice of an installation related to a secondary move be accompanied by one true and correct copy of the original notice of installation or a certification that a true and correct copy of the notice of installation has been provided to the chief appraiser. The bill repeals subsection (i-1) relating to a discounted fee for filing this notice of installation in some circumstances. The bill repeals subsection (j) which required TDHCA to provide, on request, the tax collector one copy of any requested reported notice of installation in addition to providing each chief appraiser the monthly report required by Occupations Code Section 1201.220.

Effective Sept. 1, 2017.

Section 1201.207

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location," refer to a website as an "Internet website," and to provide that TDHCA shall make available to the public on the TDHCA Internet website in a searchable and downloadable format all ownership and lienholder information contained on the statement of ownership.

Effective Sept. 1, 2017.

Section 1201.2075

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location," and to modify when TDHCA may issue a statement of ownership to include when TDHCA has not received a statement required by Occupations Code Section 1201.0206(g), regarding a statement from the tax assessor-collector on tax liens or property taxes due, if TDHCA releases a copy (rather than certified copy) of the statement to certain parties.

Effective Sept. 1, 2017.

Section 1201.2076

HB 2019 amends subsection (a) to remove "and location" from a reference to "statement of ownership and location" in provisions requiring TDHCA to inspect a manufactured home and determine habitability, among other determinations, before issuing a statement of ownership for a manufactured home that is being converted from real property to personal property.

The bill adds subsection (a-1) to provide that notwithstanding subsection (a), TDHCA may not require inspection for habitability before issuing a statement of ownership with respect to a manufactured home if the home is being sold to or ownership is otherwise transferred to a retailer. TDHCA remains subject to the other requirements in subsection (a).

Effective Sept. 1, 2017.

Section 1201.210

HB 2019 amends subsection (a) to remove "and location" from a reference to "statement of ownership and location" regarding the written notice of a refusal to issue or the suspension or revocation of a statement of ownership.

The bill repeals subsection (d) regarding TDHCA placing a hold on any activity relating to the statement of ownership other than the recordation of liens, including tax liens, until a revocation or suspension of a statement of ownership has become final.

Effective Sept. 1, 2017.

Section 1201.214

HB 2019 amends the title of this section to "Document of Title; Certificate of Attachment" and amends this section to provide that effective Sept. 1, 2003, all outstanding documents of title or certificates of attachment (rather than just outstanding documents of title) are considered to be statements of ownership; and to modify references to "document of title" to "document of title or certificate of attachment" and to remove "and location" from references to "statement of ownership and location."

Effective Sept. 1, 2017.

Section 1201.216

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location" and to modify the circumstances under which TDHCA must indicate on the statement of ownership that the owner of a manufactured home has elected to treat the home in a certain manner to include the owner's intent to treat the home as real property or as a salvaged manufactured home, or to reserve the home for a business use or another nonresidential use.

Effective Sept. 1, 2017.

Section 1201.217

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location" in provisions relating to declaring a manufactured home abandoned.

The bill adds subsection (d-1) to provide that when applying for a statement of ownership of an abandoned manufactured home, the real property owner shall include with the application an affidavit stating that the person owns the real property where the manufactured home is located, and the name of the person to whom title to the home will be transferred is the same name that is listed in the real property or tax records indicating the current ownership of the real property.

The bill adds subsection (g) to provide that notwithstanding subsection (f), an owner of real property on which a manufactured home has been abandoned may apply for a new statement of ownership with respect to a home that was previously declared abandoned and then resold and abandoned again.

Effective Sept. 1, 2017.

Section 1201.219

HB 2019 amends subsection (h) to remove "and location" from a reference to "statement of ownership and location" in provisions relating to TDHCA removing from the statement of ownership a reference to any tax lien delinquent more than four years for which no suit has been timely filed in accordance with Tax Code Section 33.05(a)(1) if certain conditions have been met.

Effective Sept. 1, 2017.

Section 1201.220

HB 2019 amends this section to remove "and location" from a reference to "statement of ownership and location," and to add subsection (b) to require TDHCA to make the previously required manufactured housing report to each chief appraiser available to the public on TDHCA's Internet website in a searchable and downloadable format.

Effective Sept. 1, 2017.

Section 1201.221

HB 2019 amends subsection (b) to remove "and location" from a reference to "statement of ownership and location" in provisions relating to the preexisting requirement that a written request to TDHCA contain the name of the owner as reflected on the statement of ownership and the identification number of the home, when an individual requests information held by TDHCA on the current ownership and location of a manufactured home, and the existence of all tax liens on that home for which notice has been filed with TDHCA.

Effective Sept. 1, 2017.

Section 1201.222

HB 2019 amends this section to remove "and location" from a reference to "statement of ownership and location," and to remove "certified" from "certified copy of the statement of ownership" in provisions relating to the conditions under which a manufactured home is treated as real property.

Effective Sept. 1, 2017.

Section 1201.360

HB 2019 amends this section to remove "and location" from references to "statement of ownership and location," and to remove "certified" from "certified copy of the statement of ownership" in provisions relating to the conditions under which a seller of real property to which a new HUD-code manufactured home is permanently attached may give the initial purchaser a written warranty that combines the manufacturer's warranty and the retailer's warranty.

Effective Sept. 1, 2017.

Section 1201.405

HB 2019 amends this section to remove a reference to "lease-purchase" and to modify references from the "trust fund" to the "manufactured homeowner consumer claims program" administered by TDHCA. The bill amends this section to modify what the executive director of the manufactured housing division of TDHCA may pay under the manufactured homeowner consumer claims program to include actual damages that involve perfected and enforceable tax liens not extinguished and cancelled in accordance with Tax Code Section 32.015.

Effective Sept. 1, 2017.

Section 1201.459

HB 2019 amends this section to remove "and location" from a reference to "statement of ownership and location" in provisions relating to TDHCA issuing a seal to a tax appraiser or collector for identification purposes only for a home that does not have a serial number, seal, or label.

Effective Sept. 1, 2017.

Property Code

Section 51.002

HB 1128 amends subsection (a) to create an exception to the preexisting requirement that a sale of real property under a power of sale conferred by a deed of trust or other contract lien be a public sale at auction held between 10 a.m. and 4 p.m. of the first Tuesday of the month. The exception to this requirement is subsection (a-1).

The bill adds subsection (a-1) to provide that if the first Tuesday of a month occurs on Jan. 1 or July 4, a public sale at auction under subsection (a) must be held between 10 a.m. and 4 p.m. on the first Wednesday of the month.

Effective Sept. 1, 2017, and applies only to the sale of real property under Civil Practice and Remedies Code Chapter 34, Subchapter C; Property Code Section 51.002; or Tax Code Section 34.01, for which notice is given on or after the effective date.

Section 23A.009

SB 499 adds a new chapter to the Property Code, Chapter 23A (Uniform Partition of Heirs' Property Act). The bill includes this section to provide that in determining whether partition in kind would result in substantial prejudice to the cotenants as a group, the court is required to consider the degree to which cotenants have contributed to the cotenants' pro rata share of property taxes, along with other specified factors. The court may not consider any one factor to be dispositive without weighing the totality of all relevant factors and circumstances.

Effective Sept. 1, 2017, and applies only to a partition action commenced on or after the effective date.

Transportation Code

Sections 222.1071, 222.1072, and 222.110

SB 1305 repeals Transportation Code Section 222.1071 (County Energy Transportation Reinvestment Zones), Transportation Code Section 222.1072 (Advisory Board of County Energy Transportation Reinvestment Zone), and subsection (i) of Transportation Code Section 222.110 regarding the disbursement of sales and use taxes from a county energy transportation reinvestment zone (CETRZ) tax increment account.

The bill modifies Transportation Code Sections 222.110, 256.009(a), 256.103(b), and 256.104(a) to strike language related to CETRZs.

Effective Dec. 31, 2017. The bill's repeal of Transportation Code Section 222.1071 does not affect the validity of bonds issued before the effective date. The repeal of Transportation Code Section 222.1071 does not affect the amount of any tax rate calculation under Tax Code Chapter 26 for the 2018 tax year or a subsequent tax year pertaining to a county that imposes taxes on property that for the 2017 tax year was located in a CETRZ. Under Tax Code Section 26.03 for the duration of the zone, in any tax rate calculation under Tax Code Chapter 26, the portion of the captured appraised value of property located in the zone that corresponded to the tax increment of the county from that property that the county agreed to pay into the tax increment account for the zone was excluded from the value of property taxable by the county, and the portion of the tax increment of the county that the county agreed to pay into the account for the zone was excluded from the amount of taxes imposed or collected by the county. Because beginning with the 2018 tax year both that property value and the taxes corresponding to that property value will be included in the calculation of property tax rates of the county under Tax Code Chapter 26, the amounts of those tax rates will be unaffected.

Section 521.102

HB 377 and **SB 1936** amend subsection (a) to define "disability rating" by reference to Tax Code Section 11.22 (Disabled Veterans), and "disabled veteran" and "veteran" by reference to Transportation Code Section 521.1235 (Designator on License Issued to Veteran).

The bills add subsection (b-1) and amend subsection (c) to provide that if a disabled veteran provides sufficient proof, DPS on request of the disabled veteran, shall include on a personal identification certificate issued to the disabled veteran in any available space on the face of the personal identification certificate or on the reverse side, a disabled veteran designation, and the branch of the service in which the disabled veteran served.

The bills add subsection (d) to provide that, notwithstanding any other law and except as provided by subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a personal identification certificate described by subsection (b-1) as satisfactory proof:

- that the disabled veteran has a disability rating described by Transportation Code Section 521.1235(a)(2)(A) or (B), as applicable; and
- of branch of service and honorable discharge.

The bills add subsection (e) to provide that a personal identification certificate described by subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Tax Code Chapter 11.

The bills add subsection (f) to require a disabled veteran who renews a personal identification certificate described by subsection (b-1) to provide proof sufficient to DPS of the disabled veteran's disability rating.

*Effective Sept. 1, 2017 (**HB 377** and **SB 1936**).*

Section 521.1235

HB 377 and **SB 1936** amend subsection (a) to define "disability rating" by reference to Tax Code Section 11.22 (Disabled Veterans) and to define "disabled veteran" to mean a veteran who has suffered a service-connected disability with a disability rating of at least 50 percent, or 40 percent if the rating is due to the amputation of a lower extremity, and "veteran" to mean a person who has served in the army, navy, air force, coast guard, or marine corps of the United States, or the Texas National Guard, as defined, and has been honorably discharged from the branch of the service in which the person served.

The bills add subsection (b-1) and amend subsection (c) to provide that if a disabled veteran provides sufficient proof, DPS on request of the disabled veteran, shall include on a driver's license issued to the disabled veteran in any available space on the face of the driver's license or on the reverse side, a disabled veteran designation, and the branch of the service in which the disabled veteran served.

The bills add subsection (d) to provide that, notwithstanding any other law and except as provided by subsection (e), for purposes of obtaining a service or benefit available for disabled veterans in this state, a disabled veteran may use a driver's license described by subsection (b-1) as satisfactory proof:

- that the disabled veteran has a disability rating described by Transportation Code Section 521.1235(a)(2)(A) or (B), as applicable; and
- of branch of service and honorable discharge.

The bills add subsection (e) to provide that a driver's license described by subsection (b-1) is not satisfactory proof of the disabled veteran's disability rating for purposes of obtaining a property tax exemption provided by Tax Code Chapter 11.

The bills add subsection (f) to require a disabled veteran who renews a driver's license described by subsection (b-1) to provide proof sufficient to DPS of the disabled veteran's disability rating.

*Effective Sept. 1, 2017 (**HB 377** and **SB 1936**).*

Water Code

Section 49.1025

HB 2358 adds this section to provide that a voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds must be a qualified voter of the district. For the purposes of such an election, a person is not a qualified voter if the person received monetary consideration from a developer of property in the district, as described, in exchange for the person's vote or if the person on the date of the election:

- is a developer of property in the district;
- is related within the third degree of affinity or consanguinity to a developer of property in the district;
- is an employee of a developer of property in the district; or
- has resided in the district less than 30 days.

The bill adds subsection (c), (d), (e), (f), (g), and (h) to set forth provisions regarding a voter completing an affidavit prescribed by the attorney general to demonstrate the voter is a qualified voter.

Effective Jan. 1, 2018.

Section 49.302

SB 1987 and **SB 2014** amend subsection (b) to remove one of the ways for a petition requesting annexation by certain water districts to be signed by striking "or signed by 50 landowners if the number of landowners is more than 50."

*Effective June 12, 2017 (**SB 1987**) and effective Sept. 1, 2017 (**SB 2014**).*

Sections 54.014 and 54.016

SB 1987 and **SB 2014** amend these sections to remove one of the ways to sign a petition filed with the TCEQ to create a municipal utility district or to sign a request to a city to include land within its corporate boundaries or its extraterritorial jurisdiction in a municipal utility district by striking language providing that if there are more than 50 persons holding title to the land in the proposed district as indicated by the tax rolls, the petition or the request of the city, as applicable, is sufficient if it is signed by 50 holders of title to the land.

*Effective June 12, 2017 (**SB 1987**). Effective Sept. 1, 2017 (**SB 2014**).*

Section 60.005

SB 1133 adds this section to provide that the property of a navigation district is public property used for essential public and governmental purposes, and that a navigation district and the district's property are exempt from all taxes and special assessments imposed by this state or a political subdivision of this state.

Effective May 26, 2017.

Session Law

HB 1186 amends Section 4B, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, to provide that if the Dallas County Utility and Reclamation District enters into a tax abatement agreement with the owner of single-family residential property to exempt a portion of the taxable value of the property from taxation, the tax assessor-collector for the district or a person designated by the tax assessor-collector may file an application for the exemption on behalf of the property owner with the chief appraiser for the appraisal district in which the property is located.

The bill provides that all governmental and proprietary actions of the Dallas County Utility and Reclamation District taken before the effective date are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law. This provision does not apply to any matter that on the effective date is involved in certain litigation or has been held invalid by a final court judgment.

The bill states that certain required notices, submissions, and filings have been completed by the responsible persons or entities, and all requirements of the constitution and laws of this state and the relevant rules and procedures of the legislature are fulfilled and accomplished.

Effective June 1, 2017.

SB 2065 provides that each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more that is adjacent to a county with a population of more than 800,000 is abolished effective Nov. 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date of the county in which they are located. This applies only to a county board of education, board of county trustees, and office of county school superintendent that provides transportation services in a county with a population of 2.2 million or more (specified special purpose district(s) - SPD(s)).

If on the effective date there is an existing contract for transportation services to which a county board of education, board of county trustees, or office of county school superintendent is a party, it shall be wound down in the manner described below.

The following provisions do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election.

If the continuation is not approved at the election, a dissolution committee must be formed not later than Nov. 15, 2017. The Comptroller is required to appoint the dissolution committee, which is responsible for all financial decisions for SPD(s), including asset distribution and payment of all debt obligations. The dissolution committee must include:

- one financial advisor;
- the superintendent or the superintendent's designee of the participating component school district with the largest number of students in average daily attendance;
- one certified public accountant;
- one auditor who holds a license or other professional credential; and
- one bond counsel who holds a license or other professional credential.

A dissolution committee is subject to open meeting requirements under Government Code Chapter 551 and public information requirements under Government Code Chapter 552. Dissolution committee members may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the committee.

The dissolution committee is required to:

- determine how to divide, transfer or discontinue the assets, liabilities, contracts and services of SPD(s);
- create a sinking fund in which to deposit all money received in the abolishment of SPD(s) and for the payment of SPD(s) debts.
- continue providing transportation services to participating component school districts for the 2017-2018 school year and maintain the current operations and personnel needed to provides these services; and
- distribute certain transportation assets to participating component school districts at the end of the 2017-2018 school year according to a specified formula and process.

The bill sets forth other provisions relating to the dissolution of the special district, including SPD(s) employing for the 2017-2018 school year one person to assist in abolishing SPD(s), disposing of SPD(s) administrative building, encouraging component school districts to continue sharing services and to give preference to private sector contractors,

and providing assistance to the dissolution committee from TEA and from the chief financial officer and financial advisor for SPD(s).

The property tax assessed by SPD(s) shall continue to be assessed by the county on behalf of SPD(s) for the purpose of paying the principal of and interest on any bonds issued by SPD(s) until all bonds that were issued before the effective date and that obligate tax receipts are paid in full. On payment of all such bonds, the property tax may not be assessed. The bill requires the county to collect and use any delinquent taxes imposed by or on behalf of SPD(s) in the manner provided by TEA rule.

The dissolution committee is abolished on the date all SPD(s) debt obligations are paid in full and all assets distributed to the component school districts.

The bill repeals Chapter 266 (SB 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), regarding salary and office expenses of superintendent.

Effective Sept. 1, 2017, and to the extent of any conflict, this bill prevails over another bill of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SB 1566 provides that each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more that is adjacent to a county with a population of more than 800,000 (specified special district(s) - SSD(s)) is abolished effective Nov. 15, 2017, unless the continuation of SSD(s) is approved by a majority of voters at an election held on the November 2017 uniform election date of the county in which it is located. The bill specifies ballot language for the election.

The following provisions do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved at the election.

If the continuation is not approved at the election, a dissolution committee must be formed not later than Nov. 15, 2017. The Comptroller is required to appoint the dissolution committee, which is responsible for all financial decisions for SSD(s), including asset distribution and payment of all debt obligations. The dissolution committee must include:

- one financial advisor;
- the superintendent or the superintendent's designee of each participating component school district that chooses to participate in the dissolution committee;
- one certified public accountant;
- one auditor who holds a license or other professional credential;
- one bond counsel who holds a license or other professional credential; and
- one additional representative appointed by the commissioner of education.

A dissolution committee is subject to open meeting requirements under Government Code Chapter 551 and public information requirements under Government Code Chapter 552. Dissolution committee members may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the committee.

The dissolution committee is required to:

- determine how to divide, transfer or discontinue assets, liabilities, contracts and services of SSD(s);
- create a sinking fund in which to deposit all money received in the abolishment of SSD(s) and for the payment of SSD(s) debts.
- continue providing transportation services to participating component school districts for the 2017-2018 school year and maintain the current operations and personnel needed to provides these services; and
- distribute certain transportation assets to the participating component school districts at the end of the 2017-2018 school year according to a specified formula and process.

The bill sets forth other provisions relating to the dissolution of the special district, including SSD(s) employing for the 2017-2018 school year one person to assist in abolishing SSD(s), disposing of SSD(s) administrative building, encouraging component school districts to continue sharing services and to give preference to private sector contractors, and providing assistance to the dissolution committee from TEA and from the chief financial officer and financial advisor for SSD(s).

The property tax assessed by SSD(s) shall continue to be assessed by the county on behalf of SSD(s) for the purpose of paying the principal of and interest on any bonds issued by SSD(s) until all bonds that were issued before the effective date and that obligate tax receipts are paid in full. On payment of all such bonds, the property tax may not be assessed. The bill requires the county to collect and use any delinquent taxes imposed by or on behalf of SSD(s) in the manner provided by TEA rule.

The dissolution committee is abolished on the date all SSD(s) debt obligations are paid in full and all assets distributed to the component school districts.

The bill repeals Chapter 266 (SB 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), regarding salary and office expenses of superintendent.

Effective Sept. 1, 2017.

Texas Constitution

Article VIII, Section 1-b

HJR 21 amends subsection (l) as proposed by HJR 24, 83rd Legislature, Regular Session, 2013; redesignates subsection (l) as proposed by HJR 62, 83rd Legislature, Regular Session, 2013 to subsection (m); and redesignates subsection (m) to subsection (n), to modify the preexisting authorization for the legislature by general law to provide for a residence homestead exemption for a disabled veteran equal to the percentage of the veteran's disability if the residence homestead was donated by a charitable organization at no cost to the disabled veteran to include a residence homestead donated at less than the residence homestead's market value.

This amendment will be put before the voters at an election to be held Nov. 7, 2017.

SJR 1 adds subsection (o) to allow the legislature by general law to provide that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from property taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the first responder. The legislature may define "first responder" and may prescribe additional eligibility requirements for the exemption.

The resolution adds subsection (p) to authorize the legislature by general law to provide that a surviving spouse who qualifies for and receives the exemption in accordance with subsection (o) and who subsequently qualifies a different property as the surviving spouses' residence homestead is entitled to a property tax exemption of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption on the first homestead in the last year in which the surviving spouse received the exemption on that homestead if the surviving spouse has not remarried since the death of the first responder.

This amendment will be put before the voters at an election to be held Nov. 7, 2017. If approved by the voters, the amendments to Section 1-b, Article VIII of the Texas Constitution would take effect Jan. 1, 2018, and would apply only to a tax year beginning on or after the effective date.

Article XVI, Section 50

SJR 60 amends subsections (a), (f), (g), and (t), and adds subsection (f-1) to set forth provisions regarding the fees and the cap on fees that may be charged for a home equity loan.

The resolution repeals language that excluded from securing a home equity loan a homestead property that on the date of closing is designated for agricultural use as provided by statutes governing property tax unless that property is used primarily for milk production.

The resolution also modifies provisions regarding what entities may make the home equity loans and sets forth provisions regarding refinancing home equity loans as home equity loans or non-home equity loans. The resolution strikes language that no additional debits or advances are made on a home equity line of credit if the total principal amount outstanding exceeds an amount equal to 50% of the fair market value of the homestead as determined on the date the account is established.

This amendment will be put before the voters at an election to be held Nov. 7, 2017. If approved by the voters, the amendments to Section 50, Article XVI of the Texas Constitution would take effect Jan. 1, 2018, and would apply only to a home equity loan made on or after the effective date and to an existing home equity loan that is refinanced on or after the effective date.

For more information, visit our website:
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