

BILL ANALYSIS

Senate Research Center

S.B. 1191
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Renewing the Ag-Use Tax Credit on inherited land following the loss of a child or spouse can be difficult due to legal or emotional circumstances. Unfortunately, missing the related deadlines can lead to financial difficulties. S.B. 1191 would exempt such applications from penalties and allow the chief appraiser to accept them after the deadline if the land appraisal occurred in the previous tax year and an eligible person applies before the delinquency date for taxes on the land. This change would provide much-needed relief for persons who may already be dealing with the emotional and financial challenges that come with the loss of a loved one.

As proposed, S.B. 1191 amends current law relating to late applications for the appraisal of land for ad valorem tax purposes as qualified open-space land following the death of the owner of the land.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 23.541, Tax Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Requires the chief appraiser, notwithstanding Subsection (a) (relating to requiring the chief appraiser to accept and approve or deny an application for appraisal after the deadline for filing it has passed if it is filed before approval of the appraisal records by the appraisal review board), to accept and approve or deny an application for appraisal under Subchapter D (Appraisal of Agricultural Land) after the deadline for filing the application has passed if:

(1) the land that is the subject of the application was appraised under this subchapter in the preceding tax year;

(2) the ownership of the land has changed due to the death of one or more owners during the preceding year; and

(3) the application is filed not later than the delinquency date for the taxes on the land for the year for which the application is filed by:

(A) the surviving spouse or a surviving child of the former owner;

(B) the executor or administrator of the estate of the former owner; or

(C) a fiduciary acting upon behalf of a surviving spouse or surviving child of the decedent.

(b) Provides that the penalty prescribed by this subsection does not apply to a late application filed under Subsection (a-1).

SECTION 2. Provides that the change in law made by this Act applies beginning with the 2023 tax year.

SECTION 3. Effective date: upon passage or September 1, 2023.