

By: Miller

H.B. No. 559

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the notice and appeal of a protest of the appraised  
3 value of certain property for ad valorem tax purposes.

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

5 SECTION 1. Section 41.44, Tax Code, is amended by amending  
6 Subsection (d) and adding Subsection (e) to read as follows:

7 (d) Except as provided by Subsection (e), a [A] notice of  
8 protest is sufficient if it identifies the protesting property  
9 owner, including a person claiming an ownership interest in the  
10 property even if that person is not listed on the appraisal records  
11 as an owner of the property, identifies the property that is the  
12 subject of the protest, and indicates apparent dissatisfaction with  
13 some determination of the appraisal office. The notice need not be  
14 on an official form, but the comptroller shall prescribe a form that  
15 provides for more detail about the nature of the protest. The form  
16 must permit a property owner to include each property in the  
17 appraisal district that is the subject of a protest. The  
18 comptroller, each appraisal office, and each appraisal review board  
19 shall make the forms readily available and deliver one to a property  
20 owner on request.

21 (e) This subsection applies only to a protest of the  
22 determination of the appraised value of real property used  
23 primarily for commercial purposes, including real property owned by  
24 a utility. In addition to the information required by Subsection

1 (d), if the property was subject to a change in use, quality, or  
2 condition made by the owner after the appraisal of the property for  
3 the last year in which the property was appraised for taxation that  
4 is reasonably likely to have decreased the market value of the  
5 property by more than \$1,000, the notice of protest must contain a  
6 description of that change in use, quality, or condition.

7 SECTION 2. Section 42.43(b), Tax Code, is amended to read as  
8 follows:

9 (b) For a refund made under this section because an  
10 exemption under Section 11.20 that was denied by the chief  
11 appraiser or appraisal review board is granted, the taxing unit  
12 shall include with the refund interest on the amount refunded  
13 calculated at an annual rate that is equal to the auction average  
14 rate quoted on a bank discount basis for three-month treasury bills  
15 issued by the United States government, as published by the Federal  
16 Reserve Board, for the week in which the taxes became delinquent,  
17 but not more than 10 percent, calculated from the delinquency date  
18 for the taxes until the date the refund is made. For any other  
19 refund made under this section, the amount of the tax to be refunded  
20 accrues interest at a rate of one percent for each month or part of a  
21 month that the refund is unpaid [~~the taxing unit shall include with~~  
22 ~~the refund interest on the amount refunded at an annual rate of~~  
23 ~~eight percent~~], beginning on [~~calculated from~~] the 60th day after  
24 the [~~delinquency~~] date of the final determination of the appeal and  
25 continuing [~~for the taxes~~] until the date the refund is made.

26 SECTION 3. (a) Section 41.44, Tax Code, as amended by this  
27 Act, applies only to a notice of a protest of the appraised value of

1 a property owner's property for ad valorem tax purposes that is  
2 filed on or after January 1, 2006.

3 (b) Section 42.43, Tax Code, as amended by this Act, applies  
4 only to the payment of interest on an ad valorem tax refund required  
5 in connection with a final determination of an appeal that is made  
6 on or after January 1, 2006. Interest on a refund required in  
7 connection with a final determination of an appeal made before that  
8 date is governed by the law in effect when the determination became  
9 final, and the former law is continued in effect for that purpose.

10 SECTION 4. This Act takes effect January 1, 2006.