

By: Villarreal

H.B. No. 986

A BILL TO BE ENTITLED

AN ACT

relating to tax refunds to property owners following ad valorem tax appeals.

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

SECTION 1. Section 42.43, Tax Code, is amended by amending Subsection (c) and adding Subsections (b-1), (e), (f), (g), (h), and (i) to read as follows:

(b-1) A taxing unit may not send a refund made under this section before the earlier of:

(1) the 21st day after the final determination of the appeal; or

(2) the date the property owner files the form prescribed by Subsection (i) with the taxing unit.

(c) Notwithstanding Subsection (b), if a taxing unit does not make a refund, including interest, required by this section before the 60th day after the date the chief appraiser certifies a correction to the appraisal roll under Section 42.41, the taxing unit shall include with the refund interest on the amount refunded at an annual rate of 12 percent, calculated from the delinquency date for the taxes until the date the refund is made. A refund is not considered made under this section until sent to the proper person as provided by this section.

(e) Except as provided by Subsection (f) or (g), a taxing unit shall send a refund made under this section to the property

1 owner.

2 (f) The final judgment in an appeal under this chapter may
3 designate to whom and where a refund is to be sent.

4 (g) If a form prescribed by the comptroller under Subsection
5 (i) is filed with a taxing unit before the 21st day after the final
6 determination of an appeal that requires a refund be made, the
7 taxing unit shall send the refund to the person and address
8 designated on the form.

9 (h) A form filed with a taxing unit under Subsection (g)
10 remains in effect for all subsequent refunds required by this
11 section until revoked in a written revocation filed with the taxing
12 unit by the property owner.

13 (i) The comptroller shall prescribe the form necessary to
14 allow a property owner to designate the person to whom a refund must
15 be sent. The comptroller shall include on the form a space for the
16 property owner to designate to whom and where the refund must be
17 sent and provide options to mail the refund to:

18 (1) the property owner;

19 (2) the business office of the property owner's
20 attorney of record in the appeal; or

21 (3) any other individual and address designated by the
22 property owner.

23 SECTION 2. The changes in law made by this Act apply only to
24 a refund of ad valorem taxes required by Section 42.43 on or after
25 the effective date of this Act. A refund required under that
26 section before the effective date of this Act is governed by the law
27 in effect when the refund was required, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.