

1-1 By: Villarreal (Senate Sponsor - Hinojosa) H.B. No. 986
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Finance;
1-4 May 18, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; May 18, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 986 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the appeal of ad valorem tax determinations.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 42.21(a), Tax Code, is amended to read as
1-13 follows:

1-14 (a) A party who appeals as provided by this chapter must
1-15 file a petition for review with the district court within 60 [~~45~~]
1-16 days after the party received notice that a final order has been
1-17 entered from which an appeal may be had or at any time after the
1-18 hearing but before the 60-day deadline. Failure to timely file a
1-19 petition bars any appeal under this chapter.

1-20 SECTION 2. Section 42.43, Tax Code, is amended by amending
1-21 Subsection (c) and adding Subsections (b-1), (e), (f), (g), (h),
1-22 and (i) to read as follows:

1-23 (b-1) A taxing unit may not send a refund made under this
1-24 section before the earlier of:

1-25 (1) the 21st day after the final determination of the
1-26 appeal; or

1-27 (2) the date the property owner files the form
1-28 prescribed by Subsection (i) with the taxing unit.

1-29 (c) Notwithstanding Subsection (b), if a taxing unit does
1-30 not make a refund, including interest, required by this section
1-31 before the 60th day after the date the chief appraiser certifies a
1-32 correction to the appraisal roll under Section 42.41, the taxing
1-33 unit shall include with the refund interest on the amount refunded
1-34 at an annual rate of 12 percent, calculated from the delinquency
1-35 date for the taxes until the date the refund is made. A refund is
1-36 not considered made under this section until sent to the proper
1-37 person as provided by this section.

1-38 (e) Except as provided by Subsection (f) or (g), a taxing
1-39 unit shall send a refund made under this section to the property
1-40 owner.

1-41 (f) The final judgment in an appeal under this chapter may
1-42 designate to whom and where a refund is to be sent.

1-43 (g) If a form prescribed by the comptroller under Subsection
1-44 (i) is filed with a taxing unit before the 21st day after the final
1-45 determination of an appeal that requires a refund be made, the
1-46 taxing unit shall send the refund to the person and address
1-47 designated on the form.

1-48 (h) A form filed with a taxing unit under Subsection (g)
1-49 remains in effect for all subsequent refunds required by this
1-50 section until revoked in a written revocation filed with the taxing
1-51 unit by the property owner.

1-52 (i) The comptroller shall prescribe the form necessary to
1-53 allow a property owner to designate the person to whom a refund must
1-54 be sent. The comptroller shall include on the form a space for the
1-55 property owner to designate to whom and where the refund must be
1-56 sent and provide options to mail the refund to:

1-57 (1) the property owner;

1-58 (2) the business office of the property owner's
1-59 attorney of record in the appeal; or

1-60 (3) any other individual and address designated by the
1-61 property owner.

1-62 SECTION 3. The changes in law made by this Act are
1-63 procedural changes to existing law and are applicable to any

2-1 appeals or refunds pending as of the effective date of this bill.

2-2 SECTION 4. The changes in law made by this Act apply only to
2-3 a refund of ad valorem taxes required by Section 42.43 on or after
2-4 the effective date of this Act. A refund required under that
2-5 section before the effective date of this Act is governed by the law
2-6 in effect when the refund was required, and the former law is
2-7 continued in effect for that purpose.

2-8 SECTION 5. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2009.

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