

SENATE AMENDMENTS

2nd Printing

By: Villarreal

H.B. No. 986

A BILL TO BE ENTITLED

1 AN ACT
2 relating to tax refunds to property owners following ad valorem tax
3 appeals.

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

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

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

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

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

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

23 (e) Except as provided by Subsection (f) or (g), a taxing
24 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.

ADOPTED

MAY 26 2009

Lotay Spaw
Secretary of the Senate

By: Villanraal/Hinojosa

H.B. No. 984

Substitute the following for H.B. No. 984:

By: J. J. King

C.S. H.B. No. 984

A BILL TO BE ENTITLED

AN ACT

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relating to the appeal of ad valorem tax determinations.

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

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

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

SECTION 2. 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

1 unit shall include with the refund interest on the amount refunded
2 at an annual rate of 12 percent, calculated from the delinquency
3 date for the taxes until the date the refund is made. A refund is
4 not considered made under this section until sent to the proper
5 person as provided by this section.

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

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

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

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

20 (i) The comptroller shall prescribe the form necessary to
21 allow a property owner to designate the person to whom a refund must
22 be sent. The comptroller shall include on the form a space for the
23 property owner to designate to whom and where the refund must be
24 sent and provide options to mail the refund to:

25 (1) the property owner;

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

1 (3) any other individual and address designated by the
2 property owner.

3 SECTION 3. The changes in law made by this Act are
4 procedural changes to existing law and are applicable to any
5 appeals or refunds pending as of the effective date of this bill.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB986 by Villarreal (relating to the appeal of ad valorem tax determinations.), **As Passed
2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 42 of the Tax Code, regarding judicial review of appraisals, relating to tax refunds to property owners following ad valorem tax appeals.

The bill would change procedures relating to refunds to property owners following appeals to the local appraisal review board. A refund could not be sent before the earlier of the 21st day after the final determination of the appeal or the receipt of a form designating a person to whom the refund must be sent. Under the bill, the Comptroller would prescribe the form for the designation. Under current law, a refund could be sent immediately to the owner of record.

The bill would also extend the amount of time a party who appeals to district court has to file a petition for review from within 45 days to within 60 days after the party received notice that a final order has been entered.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB986 by Villarreal (Relating to the appeal of ad valorem tax determinations.) **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 42 of the Tax Code, regarding judicial review of appraisals, relating to tax refunds to property owners following ad valorem tax appeals.

The bill would change procedures relating to refunds to property owners following appeals to the local appraisal review board. A refund could not be sent before the earlier of the 21st day after the final determination of the appeal or the receipt of a form designating a person to whom the refund must be sent. Under the bill, the Comptroller would prescribe the form for the designation. Under current law, a refund could be sent immediately to the owner of record.

The bill would also extend the amount of time a party who appeals to district court has to file a petition for review from within 45 days to within 60 days after the party received notice that a final order has been entered.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Steve Ogden, Chair, Senate Committee on Finance

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB986 by Villarreal (Relating to tax refunds to property owners following ad valorem tax appeals.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 42 of the Tax Code, regarding judicial review of appraisals, relating to tax refunds to property owners following ad valorem tax appeals.

The bill would change procedures relating to refunds to property owners following appeals to the local appraisal review board. A refund could not be sent before the earlier of the 21st day after the final determination of the appeal or the receipt of a form designating a person to whom the refund must be sent. Under the bill, the Comptroller would prescribe the form for the designation. Under current law, a refund could be sent immediately to the owner of record.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 29, 2009

TO: Honorable Rene Oliveira, Chair, House Committee on Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB986 by Villarreal (Relating to tax refunds to property owners following ad valorem tax appeals.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 42 of the Tax Code, regarding judicial review of appraisals, relating to tax refunds to property owners following ad valorem tax appeals.

The bill would change procedures relating to refunds to property owners following appeals to the local appraisal review board. A refund could not be sent before the earlier of the 21st day after the final determination of the appeal or the receipt of a form designating a person to whom the refund must be sent. Under the bill, the Comptroller would prescribe the form for the designation. Under current law, a refund could be sent immediately to the owner of record.

The bill would take effect immediately upon enactment, assuming that it received the requisite two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, MN, SD, SJS

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

TO: Honorable Rene Oliveira, Chair, House Committee on Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB986 by Villarreal (Relating to tax refunds to property owners following ad valorem tax appeals.), **As Introduced**

Because the bill would not create or impact a state tax or fee, no comment from this office is required by the rules of the House as to the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

Source Agencies:

LBB Staff: JOB, MN

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