

By: Elkins, Bonnen of Galveston

H.B. No. 3867

Substitute the following for H.B. No. 3867:

By: Bohac

C.S.H.B. No. 3867

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appeal through binding arbitration of certain
3 appraisal review board orders; changing the amounts of certain
4 fees.

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

6 SECTION 1. Section 41A.01, Tax Code, is amended to read as
7 follows:

8 Sec. 41A.01. RIGHT OF APPEAL BY PROPERTY OWNER. As an
9 alternative to filing an appeal under Section 42.01, a property
10 owner is entitled to appeal through binding arbitration under this
11 chapter an appraisal review board order determining a protest filed
12 under Section 41.41(a)(1) or (2) concerning the appraised or market
13 value of property if:

14 (1) the property qualifies as the owner's residence
15 homestead under Section 11.13; or

16 (2) the appraised or market value, as applicable, of
17 the property as determined by the order is \$3 [~~\$1~~] million or less.

18 SECTION 2. Section 41A.03(a), Tax Code, is amended to read
19 as follows:

20 (a) To appeal an appraisal review board order under this
21 chapter, a property owner must file with the appraisal district not
22 later than the 45th day after the date the property owner receives
23 notice of the order:

24 (1) a completed request for binding arbitration under

1 this chapter in the form prescribed by Section 41A.04; and

2 (2) an arbitration deposit made payable to the
3 comptroller in the amount of:

4 (A) \$450, if the property qualifies as the
5 owner's residence homestead under Section 11.13 and the appraised
6 or market value, as applicable, of the property is \$500,000 or less,
7 as determined by the order;

8 (B) \$500, if the property qualifies as the
9 owner's residence homestead under Section 11.13 and the appraised
10 or market value, as applicable, of the property is more than
11 \$500,000, as determined by the order;

12 (C) \$500, if the property does not qualify as the
13 owner's residence homestead under Section 11.13 and the appraised
14 or market value, as applicable, of the property is \$1 million or
15 less, as determined by the order;

16 (D) \$800, if the property does not qualify as the
17 owner's residence homestead under Section 11.13 and the appraised
18 or market value, as applicable, of the property is more than \$1
19 million but not more than \$2 million, as determined by the order; or

20 (E) \$1,050, if the property does not qualify as
21 the owner's residence homestead under Section 11.13 and the
22 appraised or market value, as applicable, of the property is more
23 than \$2 million but not more than \$3 million, as determined by the
24 order [~~\$500~~].

25 SECTION 3. Section 41A.05(b), Tax Code, is amended to read
26 as follows:

27 (b) The comptroller may retain \$50 [~~an amount equal to 10~~

1 ~~percent~~] of the deposit to cover the comptroller's administrative
2 costs.

3 SECTION 4. Section 41A.06(b), Tax Code, is amended to read
4 as follows:

5 (b) To initially qualify to serve as an arbitrator under
6 this chapter, a person must:

7 (1) meet the following requirements, as applicable:

8 (A) be licensed as an attorney in this state; or

9 (B) have:

10 (i) completed at least 30 hours of training
11 in arbitration and alternative dispute resolution procedures from a
12 university, college, or legal or real estate trade association; and

13 (ii) been licensed or certified
14 continuously during the five years preceding the date the person
15 agrees to serve as an arbitrator as:

16 (a) a real estate broker or
17 salesperson under Chapter 1101, Occupations Code;

18 (b) a real estate appraiser under
19 Chapter 1103, Occupations Code; or

20 (c) a certified public accountant
21 under Chapter 901, Occupations Code; and

22 (2) agree to conduct an arbitration for a fee that is
23 not more than:

24 (A) \$400, if the property qualifies as the
25 owner's residence homestead under Section 11.13 and the appraised
26 or market value, as applicable, of the property is \$500,000 or less,
27 as determined by the order;

1 (B) \$450, if the property qualifies as the
2 owner's residence homestead under Section 11.13 and the appraised
3 or market value, as applicable, of the property is more than
4 \$500,000, as determined by the order;

5 (C) \$450, if the property does not qualify as the
6 owner's residence homestead under Section 11.13 and the appraised
7 or market value, as applicable, of the property is \$1 million or
8 less, as determined by the order;

9 (D) \$750, if the property does not qualify as the
10 owner's residence homestead under Section 11.13 and the appraised
11 or market value, as applicable, of the property is more than \$1
12 million but not more than \$2 million, as determined by the order; or

13 (E) \$1,000, if the property does not qualify as
14 the owner's residence homestead under Section 11.13 and the
15 appraised or market value, as applicable, of the property is more
16 than \$2 million but not more than \$3 million, as determined by the
17 order ~~[90 percent of the amount of the arbitration deposit required~~
18 ~~by Section 41A.03].~~

19 SECTION 5. The change in law made by this Act applies only
20 to a request for binding arbitration under Chapter 41A, Tax Code,
21 that is filed on or after the effective date of this Act. A request
22 for binding arbitration under Chapter 41A, Tax Code, that is filed
23 before the effective date of this Act is governed by the law in
24 effect on the date the request is filed, and the former law is
25 continued in effect for that purpose.

26 SECTION 6. This Act takes effect September 1, 2015.