

By: Uresti

H.B. No. 3191

A BILL TO BE ENTITLED

AN ACT

relating to the appeal through binding arbitration of certain appraisal review board orders.

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

SECTION 1. Section 41A.04, Tax Code, is amended to read as follows:

Sec. 41A.04. CONTENTS OF REQUEST FORM. (a) The comptroller by rule shall prescribe the form of a request for binding arbitration under this chapter.

(b) The form must require a property owner to provide only:

(1) a brief statement that explains the basis for the property owner's appeal of the appraisal review board order;

(2) a statement of the property owner's opinion of the appraised or market value, as applicable, of the property that is the subject of the appeal; and

(3) any other information reasonably necessary for the appraisal district to request appointment of an arbitrator.

(c) The form must allow a property owner requesting binding arbitration regarding property located in a county described by Section 6.41(d-1) to request that the arbitrator be selected only from those arbitrators listed in the comptroller's registry who reside in that county.

(d) The form must allow a property owner to request that the

1 hearing on the arbitration be conducted in person.

2 SECTION 2. Section 41A.06(a), Tax Code, is amended to read
3 as follows:

4 (a) The comptroller shall maintain a registry listing by
5 county of residence the qualified persons who have agreed to serve
6 as arbitrators under this chapter.

7 SECTION 3. Sections 41A.07(a), (c), and (d), Tax Code, are
8 amended to read as follows:

9 (a) On receipt of the request and deposit under Section
10 41A.05, the comptroller shall send the property owner and the
11 appraisal district a copy of the comptroller's registry of
12 qualified arbitrators and request that the parties select an
13 arbitrator from the registry. The comptroller may send a copy of
14 the registry to the parties by regular mail in paper form or may
15 send the parties written notice of the Internet address of a website
16 at which the registry is maintained and may be accessed. The
17 parties shall attempt to select an arbitrator from the registry. If
18 requested by the property owner in the request for binding
19 arbitration filed under Section 41A.03, the parties shall attempt
20 to select an arbitrator only from those arbitrators listed in the
21 comptroller's registry who reside in the county in which the
22 property that is the subject of the appeal is located.

23 (c) On receipt of notice from the appraisal district under
24 Subsection (b), the comptroller shall:

25 (1) appoint:

26 (A) the arbitrator selected under Subsection
27 (b)(1), if applicable; or

1 (B) [~~any arbitrator included in the~~
2 ~~comptroller's registry,~~] if Subsection (b)(2) applies:

3 (i) any arbitrator listed in the
4 comptroller's registry; or

5 (ii) an arbitrator listed in the
6 comptroller's registry who resides in the county in which the
7 property is located if such an arbitrator was requested by the
8 property owner in the request for binding arbitration filed under
9 Section 41A.03 and who is available and willing to conduct the
10 arbitration; and

11 (2) send notice to the arbitrator appointed,
12 requesting that the arbitrator conduct the arbitration.

13 (d) If the arbitrator appointed is unable or unwilling to
14 conduct the arbitration for any reason, the arbitrator shall
15 promptly notify the comptroller that the arbitrator does not accept
16 the appointment and state the reason. The comptroller shall
17 appoint a substitute arbitrator as provided by Subsection (c)(1)(B)
18 promptly after receipt of the notice.

19 SECTION 4. Section 41A.08, Tax Code, is amended by adding
20 Subsections (c) and (d) to read as follows:

21 (c) A hearing on an arbitration may not be conducted at an
22 office of an appraisal district.

23 (d) A hearing on an arbitration must be conducted in person
24 if requested by the property owner in the request for binding
25 arbitration filed under Section 41A.03.

26 SECTION 5. The comptroller by rule shall prescribe the form
27 of a request for binding arbitration as required by Section 41A.04,

1 Tax Code, as amended by this Act, as soon as practicable after the
2 effective date of this Act, but not later than January 1, 2018.

3 SECTION 6. The changes in law made by this Act apply only to
4 a request for binding arbitration under Chapter [41A](#), Tax Code, that
5 is filed on or after January 1, 2018.

6 SECTION 7. This Act takes effect September 1, 2017.