By:  Bohac (Senate Sponsor - Hancock) H.B. No. 1802

(In the Senate - Received from the House April 16, 2019; April 17, 2019, read first time and referred to Committee on Property Tax; April 30, 2019, reported favorably by the following vote: Yeas 5, Nays 0; April 30, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Bettencourt     X

Paxton          X

Creighton       X

Hancock         X

Hinojosa        X

A BILL TO BE ENTITLED

AN ACT

relating to a request for binding arbitration of certain appraisal review board orders.

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

SECTION 1.  Section 41A.03(a), Tax Code, is amended to read as follows:

(a)  To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 60th [~~45th~~] day after the date the property owner receives notice of the order:

(1)  a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

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

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

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

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

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

(E)  $1,050, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than $2 million but not more than $3 million, as determined by the order; or

(F)  $1,550, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than $3 million but not more than $5 million, as determined by the order.

SECTION 2.  (a) Section 41A.05, Tax Code, is amended by amending Subsection (a) and adding Subsections (c), (d), and (e) to read as follows:

(a)  Not later than the 10th day after the date an appraisal district receives from a property owner a completed request for binding arbitration under this chapter and an arbitration deposit as required by Section 41A.03, the appraisal district shall:

(1)  [~~certify the request;~~

[~~(2)~~]  submit the request and deposit to the comptroller; and

(2) [~~(3)~~]  request the comptroller to appoint a qualified arbitrator to conduct the arbitration.

(c)  The comptroller may not reject an application submitted to the comptroller under this section unless:

(1)  the comptroller delivers written notice to the applicant of the defect in the application that would be the cause of the rejection; and

(2)  the applicant fails to cure the defect on or before the 15th day after the date the comptroller delivers the notice.

(d)  An applicant may cure a defect in accordance with Subsection (c) at any time before the expiration of the period provided by that subsection, without regard to the deadline for filing the request for binding arbitration under Section 41A.03(a).

(e)  For purposes of this section, a reference to the applicant includes the applicant's representative if the applicant has retained a representative as provided by Section 41A.08 for purposes of representing the applicant in an arbitration proceeding under this chapter.

(b)  Section 41A.05, Tax Code, as amended by this section, applies only to a request for binding arbitration received by the comptroller of public accounts from an appraisal district on or after the effective date of this Act.

SECTION 3.  This Act applies only to an appeal of an appraisal review board order that a property owner receives notice of on or after the effective date of this Act. An appeal of an appraisal review board order that a property owner receives notice of before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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