

AN ACT

relating to the calculation of penalties and interest resulting from the final determination of an ad valorem tax appeal that changes a property owner's tax liability.

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

SECTION 1. Sections 42.42(c) and (d), Tax Code, are amended to read as follows:

(c) If the final determination of an appeal occurs after the property owner has paid a portion of the tax finally determined to be due as required by Section 42.08, the assessor for each affected taxing unit shall prepare and mail a supplemental tax bill in the form and manner prescribed by Subsection (b). The additional tax is due and becomes delinquent as provided by Subsection (b). If the additional tax is not paid by the delinquency date for the additional tax, [but] the property owner is liable for penalties and interest on the tax included in the supplemental bill calculated as provided by Section 33.01 as if the tax included in the supplemental bill became delinquent on the original delinquency date prescribed by Chapter 31.

(d) If the property owner did not pay any portion of the taxes imposed on the property because the court found that payment would constitute an unreasonable restraint on the owner's right of access to the courts as provided by Section 42.08(d), after the final determination of the appeal the assessor for each affected

1 taxing unit shall prepare and mail a supplemental tax bill in the
2 form and manner prescribed by Subsection (b). The additional tax is
3 due and becomes delinquent as provided by Subsection (b). If the
4 additional tax is not paid by the delinquency date for the
5 additional tax, [but] the property owner is liable for interest on
6 the tax included in the supplemental bill calculated as provided by
7 Section 33.01 as if the tax included in the supplemental bill became
8 delinquent on the delinquency date prescribed by Chapter 31.

9 SECTION 2. The changes in law made by this Act apply only to
10 an appeal under Chapter 42, Tax Code, that is filed on or after the
11 effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 861 was passed by the House on April 17, 2019, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 861 was passed by the Senate on May 16, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor