

By: Rose

H.B. No. 3227

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of the requirements for special appraisal of certain property for ad valorem tax purposes.

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

SECTION 1. Section 5.102, Tax Code, is amended to read as follows:

Sec. 5.102. REVIEW OF APPRAISAL STANDARDS. (a) The comptroller shall review the appraisal standards, procedures, and methodology used by each appraisal district to determine compliance with:

(1) generally accepted appraisal standards and practices; and

(2) the requirements of Subchapters C-H, Chapter 23, and rules adopted under those subchapters.

(b) If the review results in a finding that an appraisal district is not in compliance with generally accepted appraisal standards and practices or with the requirements of Subchapter C, D, E, F, G, or H, Chapter 23, or rules adopted under one of those subchapters, the comptroller shall deliver a report that details the comptroller's findings and recommendations for improvement to the appraisal district's chief appraiser and board of directors.

(c) If noncompliance with generally accepted appraisal standards and practices or with the requirements of Subchapter C, D, E, F, G, or H, Chapter 23, or rules adopted under one of those

1 subchapters is found in two consecutive reviews and if an affected
2 appraisal district's chief appraiser and board of directors fail to
3 take effective remedial action as determined by the comptroller,
4 the comptroller may appoint a special master who may exercise
5 supervision and control over the operations of the district until
6 full compliance with generally accepted appraisal standards and
7 practices and with the requirements of Subchapters C-H, Chapter 23,
8 and rules adopted under those subchapters is achieved. The
9 appraisal district shall bear the costs related to the master's
10 supervision and control.

11 SECTION 2. Section 42.29, Tax Code, is amended by amending
12 Subsection (b) and adding Subsection (c) to read as follows:

13 (b) Notwithstanding Subsection (a), the amount of an award
14 of attorney's fees in an appeal described by that subsection may not
15 exceed the lesser of:

16 (1) \$100,000; or

17 (2) the total amount by which the property owner's tax
18 liability is reduced as a result of the appeal.

19 (c) A property owner who prevails in an appeal under Section
20 42.01(1)(A) of an order of the appraisal review board determining a
21 protest by the property owner of a determination described by
22 Section 41.41(a)(5) may be awarded reasonable attorney's fees.

23 SECTION 3. (a) This Act takes effect September 1, 2003.

24 (b) Section 42.29(c), Tax Code, as added by this Act,
25 applies only to an appeal under Chapter 42, Tax Code, that is filed:

26 (1) on or after the effective date of this Act; or

27 (2) before the effective date of this Act if a final

1 judgment in the appeal is not entered before the effective date of
2 this Act.

3 (c) An appeal under Chapter 42, Tax Code, in which the final
4 judgment is entered before the effective date of this Act is
5 governed by the law as it existed immediately before the effective
6 date of this Act, and that law is continued in effect for that
7 purpose.