

By: Callegari

H.B. No. 132

A BILL TO BE ENTITLED

AN ACT

relating to appeals to justice courts of certain ad valorem tax determinations.

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

SECTION 1. Section 41.47(e), Tax Code, is amended to read as follows:

(e) The notice of the issuance of the order must contain a prominently printed statement in upper-case bold lettering informing the property owner in clear and concise language of the property owner's right to appeal the board's decision to district court or to justice court if the amount of taxes in dispute is within the jurisdiction of a justice court. The statement must describe the deadline prescribed by Section 42.06(a) [~~of this code~~] for filing a written notice of appeal[7] and the deadline prescribed by Section 42.21(a) [~~of this code~~] for filing the petition for review with the appropriate [~~district~~] court.

SECTION 2. The heading to Subchapter B, Chapter 42, Tax Code, is amended to read as follows:

SUBCHAPTER B. JUDICIAL REVIEW [~~BY DISTRICT COURT~~]

SECTION 3. Section 42.21(a), Tax Code, is amended to read as follows:

(a) A party who appeals as provided by this chapter must file a petition for review with the appropriate [~~district~~] court within 45 days after the party received notice that a final order

1 has been entered from which an appeal may be had. Failure to timely  
2 file a petition bars any appeal under this chapter.

3 SECTION 4. Subchapter B, Chapter 42, Tax Code, is amended by  
4 adding Sections 42.211 and 42.212 to read as follows:

5 Sec. 42.211. JURISDICTION. (a) Except as provided by this  
6 section, an appeal under this subchapter must be made to a district  
7 court.

8 (b) A property owner may appeal an order of an appraisal  
9 review board under Section 42.01(1) to a justice court if the amount  
10 of taxes due on the portion of the taxable value of the property  
11 that is in dispute calculated using the preceding year's tax rates  
12 is an amount that is within the jurisdiction of that justice court.

13 (c) If the justice court determines that the appeal is not  
14 within the court's jurisdiction, the court shall dismiss the  
15 appeal. In that event, the property owner may appeal the order to  
16 district court by filing a petition for review with the district  
17 court not later than the 30th day after the date of the dismissal.

18 Sec. 42.212. REPRESENTATION IN JUSTICE COURT. In an appeal  
19 brought under Section 42.01(1) to a justice court, an appraisal  
20 district may be, but is not required to be, represented by legal  
21 counsel.

22 SECTION 5. Section 42.22, Tax Code, as amended by Chapters  
23 667 and 1033, Acts of the 73rd Legislature, Regular Session, 1993,  
24 is reenacted and amended to read as follows:

25 Sec. 42.22. VENUE. (a) Except as provided by Subsections  
26 (b) and (c), and by Section 42.221, venue in an appeal to district  
27 court is in the county in which the appraisal review board that

1 issued the order appealed is located.

2 (b) Venue of an action brought under Section 42.01(1) in  
3 district court is in the county in which the property is located or  
4 in the county in which the appraisal review board that issued the  
5 order is located.

6 (c) Venue is in Travis County if the order appealed was  
7 issued by the comptroller.

8 (d) Venue of an action brought under Section 42.01(1) in  
9 justice court is in any justice precinct in the county in which the  
10 appraisal review board that issued the order appealed is located.

11 SECTION 6. Section 42.23(a), Tax Code, is amended to read as  
12 follows:

13 (a) Review is by trial de novo. The [~~district~~] court shall  
14 try all issues of fact and law raised by the pleadings in the manner  
15 applicable to civil suits generally.

16 SECTION 7. Section 42.24, Tax Code, is amended to read as  
17 follows:

18 Sec. 42.24. ACTION BY COURT. In determining an appeal, the  
19 [~~district~~] court may:

20 (1) fix the appraised value of property in accordance  
21 with the requirements of law if the appraised value is at issue;

22 (2) enter the orders necessary to ensure equal  
23 treatment under the law for the appealing property owner if  
24 inequality in the appraisal of the owner's [~~his~~] property is at  
25 issue; or

26 (3) enter other orders necessary to preserve rights  
27 protected by and impose duties required by the law.

1 SECTION 8. Section 42.26(a), Tax Code, is amended to read as  
2 follows:

3 (a) The [~~district~~] court shall grant relief on the ground  
4 that a property is appraised unequally if:

5 (1) the appraisal ratio of the property exceeds by at  
6 least 10 percent the median level of appraisal of a reasonable and  
7 representative sample of other properties in the appraisal  
8 district;

9 (2) the appraisal ratio of the property exceeds by at  
10 least 10 percent the median level of appraisal of a sample of  
11 properties in the appraisal district consisting of a reasonable  
12 number of other properties similarly situated to, or of the same  
13 general kind or character as, the property subject to the appeal; or

14 (3) the appraised value of the property exceeds the  
15 median appraised value of a reasonable number of comparable  
16 properties appropriately adjusted.

17 SECTION 9. Section 27.031, Government Code, is amended by  
18 adding Subsection (a-1) to read as follows:

19 (a-1) The justice court has jurisdiction over appeals  
20 brought under Section 42.01(1), Tax Code, if the amount of taxes in  
21 dispute does not exceed \$5,000.

22 SECTION 10. The change in law made by this Act applies to  
23 the appeal of an order of an appraisal review board without regard  
24 to whether the order was issued before the effective date of this  
25 Act.

26 SECTION 11. This Act takes effect September 1, 2006.