

By: Staples

S.B. No. 1655

A BILL TO BE ENTITLED

AN ACT

relating to settlement and discovery in property tax appeals.

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

SECTION 1. Section 42.23, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) If, on or before the 120th day after the date an appeal is filed, the plaintiff makes a written offer of settlement, requests alternative dispute resolution, and, in response to an appropriate written discovery request, designates which cause of action under this chapter shall apply, each party to the appeal shall be considered a party seeking affirmative relief for the purpose of discovery regarding expert witnesses under the Texas Rules of Civil Procedure. For the purposes of this subsection, the plaintiff may designate a cause of action under Section 42.25 or 42.26 but may not designate a cause of action under both sections. Discovery regarding causes of action not specifically designated by the plaintiff under this subsection shall be conducted as generally provided by the Texas Rules of Civil Procedure.

SECTION 2. The change in law made by this Act applies only to an appeal of an appraisal review board determination that is filed or amended on or after the effective date of this Act. An appeal filed or amended before the effective date of this Act is covered by the law in effect when the appeal was filed or amended, and the former law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.