

1-1 By: Staples S.B. No. 1655
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Finance; April 20, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 12, Nays 0; April 20, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1655 By: Staples

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to settlement and discovery in property tax appeals.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 42.23, Tax Code, is amended by adding
1-12 Subsection (d) to read as follows:

1-13 (d) If, on or before the 120th day after the date an appeal
1-14 is filed, the plaintiff makes a written offer of settlement,
1-15 requests alternative dispute resolution, and, in response to an
1-16 appropriate written discovery request, designates which cause of
1-17 action under this chapter shall apply, each party to the appeal
1-18 shall be considered a party seeking affirmative relief for the
1-19 purpose of discovery regarding expert witnesses under the Texas
1-20 Rules of Civil Procedure. For the purposes of this subsection, the
1-21 plaintiff may designate a cause of action under Section 42.25 or
1-22 42.26 but may not designate a cause of action under both sections.
1-23 Discovery regarding causes of action not specifically designated by
1-24 the plaintiff under this subsection shall be conducted as generally
1-25 provided by the Texas Rules of Civil Procedure.

1-26 SECTION 2. The change in law made by this Act applies only
1-27 to an appeal of an appraisal review board determination that is
1-28 filed or amended on or after the effective date of this Act. An
1-29 appeal filed or amended before the effective date of this Act is
1-30 covered by the law in effect when the appeal was filed or amended,
1-31 and the former law is continued in effect for that purpose.

1-32 SECTION 3. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2005.

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