

AN ACT

relating to the protest or appeal of ad valorem tax matter.

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

SECTION 1. Section 1.111, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) An individual exempt from registration as a property tax consultant under Section 1152.002, Occupations Code, who files a protest with the appraisal review board on behalf of the property owner is entitled to receive all notices from the appraisal district regarding the property subject to the protest until the authority is revoked by the property owner as provided by this section.

SECTION 2. Section 6.41, Tax Code, is amended by amending Subsections (d), (e), and (f) and adding Subsections (d-1), (d-2), (d-3), (d-4), (d-5), (d-6), (d-7), (d-8), and (d-9) to read as follows:

(d) Except as provided by Subsection (d-1), members [~~Members~~] of the board are appointed by resolution of a majority of the appraisal district board of directors. A vacancy on the board is filled in the same manner for the unexpired portion of the term.

(d-1) In a county with a population of 3.3 million or more or a county with a population of 350,000 or more that is adjacent to a county with a population of 3.3 million or more the members of the board are appointed by the local administrative district judge in

1 the county in which the appraisal district is established.

2 (d-2) A local administrative district judge making  
3 appointments under Subsection (d-1) may make such appointments  
4 directly or may, by written order, appoint from three to five  
5 persons to perform the duties of appraisal review board  
6 commissioner. If the local administrative district judge chooses  
7 to appoint appraisal review board commissioners, each commissioner  
8 shall possess the same qualifications as those required of an  
9 appraisal review board member.

10 (d-3) The local administrative judge making appointments  
11 under Subsection (d-1) shall cause the proper officer to notify  
12 such appointees of such appointment, and when and where they are to  
13 appear.

14 (d-4) If appraisal review board commissioners are appointed  
15 under Subsection (d-2), they shall meet as directed by the local  
16 administrative district judge in order to complete their duties.

17 (d-5) The appraisal district of the county shall provide to  
18 the local administrative district judge, or to the appraisal review  
19 board commissioners, as the case may be, the number of appraisal  
20 review board positions that require appointment and shall provide  
21 whatever reasonable assistance is requested by the local  
22 administrative district judge or the commissioners.

23 (d-6) An appraisal review board commissioner is not  
24 disqualified from serving as a member of the appraisal review  
25 board.

26 (d-7) If appraisal review board commissioners are appointed  
27 under this section, the commissioners shall return a list of

1 proposed appraisal review board members to the local administrative  
2 district judge at a time directed by such local administrative  
3 judge, but in no event later than January 1 of each year. Such list  
4 shall be composed of no less than five (5) names in excess of the  
5 number of appraisal review board positions to be filled by the local  
6 administrative district judge. The local administrative judge may  
7 accept the proposed names, or reject the proposed list and return  
8 the proposed list to the commissioners upon which the commissioners  
9 shall propose a revised list until the local administrative judge  
10 accepts the list.

11 (d-8) Any appraisal review board commissioners appointed  
12 pursuant to this section shall hold office for a term of one year  
13 beginning January 1. A commissioner may be appointed to successive  
14 terms at the discretion of the local administrative district judge.

15 (d-9) Upon selection of the individuals who are to serve as  
16 members of the appraisal review board, the local administrative  
17 district judge shall enter an appropriate order designating such  
18 members and setting each member's respective term of office, as  
19 provided elsewhere in this section.

20 (e) Members of the board hold office for terms of two years  
21 beginning January 1. The appraisal district board of directors by  
22 resolution shall provide for staggered terms, so that the terms of  
23 as close to one-half of the members as possible expire each year.  
24 In making the initial or subsequent appointments, the board of  
25 directors or the local administrative district judge or the judge's  
26 designee shall designate those members who serve terms of one year  
27 as needed to comply with this subsection.

1 (f) A member of the board may be removed from the board by a  
2 majority vote of the appraisal district board of directors, or by  
3 the local administrative district judge or the judge's designee, as  
4 applicable, that appointed the member. Grounds for removal are:

5 (1) a violation of Section 6.412, 6.413, 41.66(f), or  
6 41.69; or

7 (2) good cause relating to the attendance of members  
8 at called meetings of the board as established by written policy  
9 adopted by a majority of the appraisal district board of directors.

10 SECTION 3. Subchapter C, Chapter 41, Tax Code, is amended by  
11 adding Section 41.415 to read as follows:

12 Sec. 41.415. ELECTRONIC FILING OF NOTICE OF PROTEST. (a)  
13 This section applies only to an appraisal district established for  
14 a county having a population of 500,000 or more.

15 (b) The appraisal district shall implement a system that  
16 allows the owner of a property that for the current tax year has  
17 been granted a residence homestead exemption under Section 11.13,  
18 in connection with the property, to electronically:

19 (1) file a notice of protest under Section 41.41(a)(1)  
20 or (2) with the appraisal review board;

21 (2) receive and review comparable sales data and other  
22 evidence that the chief appraiser intends to use at the protest  
23 hearing before the board;

24 (3) receive, as applicable:

25 (A) a settlement offer from the district to  
26 correct the appraisal records by changing the market value and, if  
27 applicable, the appraised value of the property to the value as

1 redetermined by the district; or

2 (B) a notice from the district that a settlement  
3 offer will not be made; and

4 (4) accept or reject a settlement offer received from  
5 the appraisal district under Subdivision (3)(A).

6 (c) With each notice sent under Section 25.19 to an eligible  
7 property owner, the chief appraiser shall include information about  
8 the system required by this section, including instructions for  
9 accessing and using the system.

10 (d) A notice of protest filed electronically under this  
11 section must include, at a minimum:

12 (1) a statement as to whether the protest is brought  
13 under Section 41.41(a)(1) or under Section 41.41(a)(2);

14 (2) a statement of the property owner's good faith  
15 estimate of the value of the property; and

16 (3) an electronic mail address that the district may  
17 use to communicate electronically with the property owner in  
18 connection with the protest.

19 (e) If the property owner accepts a settlement offer made by  
20 the appraisal district, the chief appraiser shall enter the  
21 settlement in the appraisal records as an agreement made under  
22 Section 1.111(e).

23 (f) If the property owner rejects a settlement offer, the  
24 appraisal review board shall hear and determine the property  
25 owner's protest in the manner otherwise provided by this subchapter  
26 and Subchapter D.

27 (g) An appraisal district is not required to make the system

1 required by this section available to an owner of a residence  
2 homestead located in an area in which the chief appraiser  
3 determines that the factors affecting the market value of real  
4 property are unusually complex or to an owner who has designated an  
5 agent to represent the owner in a protest as provided by Section  
6 1.111.

7 (h) An electronic mail address provided by a property owner  
8 to an appraisal district under Subsection (d)(3) is confidential  
9 and may not be disclosed by the district.

10 SECTION 4. Section 41.45, Tax Code, is amended by amending  
11 Subsection (e) and adding Subsections (e-1) and (e-2) to read as  
12 follows:

13 (e) On request made to the appraisal review board before the  
14 date of the hearing, a property owner who has not designated an  
15 agent under Section 1.111 to represent the owner at the hearing is  
16 entitled to one postponement of the hearing to a later date without  
17 showing cause. In addition and without limitation as to the number  
18 of postponements, the board shall postpone the hearing to a later  
19 date if the property owner or the owner's agent at any time shows  
20 good [~~reasonable~~] cause for the postponement or if the chief  
21 appraiser consents to the postponement. The hearing may not be  
22 postponed to a date less than five or more than 30 days after the  
23 date scheduled for the hearing when the postponement is sought  
24 unless the date and time of the hearing as postponed are agreed to  
25 by the chairman of the appraisal review board or the chairman's  
26 representative, the property owner, and the chief appraiser. A  
27 request by a property owner for a postponement under this

1 subsection may be made in writing, including by facsimile  
2 transmission or electronic mail, by telephone, or in person to the  
3 appraisal review board, a panel of the board, or the chairman of the  
4 board. The chairman or the chairman's representative may take  
5 action on [~~grant, but may not deny,~~] a postponement under this  
6 subsection without the necessity of action by the full board if the  
7 hearing for which the postponement is requested is scheduled to  
8 occur before the next regular meeting of the board. The granting by  
9 the appraisal review board, the chairman, or the chairman's  
10 representative of a postponement under this subsection does not  
11 require the delivery of additional written notice to the property  
12 owner.

13 (e-1) A property owner who has not designated an agent under  
14 Section 1.111 to represent the owner at the hearing and who fails to  
15 appear at the hearing is entitled to a new hearing if the property  
16 owner files, not later than the fourth day after the date the  
17 hearing occurred, a written statement with the appraisal review  
18 board showing good cause for the failure to appear and requesting a  
19 new hearing.

20 (e-2) For purposes of Subsections (e) and (e-1), "good  
21 cause" means a reason that includes an error or mistake that:

22 (1) was not intentional or the result of conscious  
23 indifference; and

24 (2) will not cause undue delay or other injury to the  
25 person authorized to extend the deadline or grant a rescheduling.

26 SECTION 5. Section 42.29(a), Tax Code, is amended to read as  
27 follows:

1 (a) A property owner who prevails in an appeal to the court  
2 under Section 42.25 or 42.26 or in an appeal to the court of a  
3 determination of an appraisal review board on a motion filed under  
4 Section 25.25 may be awarded reasonable attorney's fees. The  
5 amount of the award may not exceed the greater of:

6 (1) \$15,000; or

7 (2) 20 percent of the total amount by which the  
8 property owner's tax liability is reduced as a result of the appeal.

9 SECTION 6. (a) As soon as practicable on or after January  
10 1, 2010, the local administrative district judge or the judge's  
11 designee in each county with a population of 3.3 million or more and  
12 in each county with a population of 350,000 or more that is adjacent  
13 to a county with a population of 3.3 million or more, in the manner  
14 provided by Section 6.41, Tax Code, as amended by this Act, shall  
15 appoint the members of the appraisal review board for the appraisal  
16 district established in the county. In making the initial  
17 appointments, the judge or judge's designee shall designate those  
18 members who serve terms of one year as necessary to comply with  
19 Section 6.41(e), Tax Code, as amended by this Act.

20 (b) The changes made to Section 6.41, Tax Code, as amended  
21 by this Act, apply only to the appointment of appraisal review board  
22 members in a county with a population of 3.3 million or more and in a  
23 county with a population of 350,000 or more that is adjacent to a  
24 county with a population of 3.3 million or more to terms beginning  
25 on or after January 1, 2010. This Act does not affect the term of an  
26 appraisal review board member serving in such a county on December  
27 31, 2009, if the member was appointed before the effective date of



1 this Act to a term that began prior to December 31, 2009, and  
2 expires December 31, 2010.

3 SECTION 7. Section 41.415, Tax Code, as added by this Act,  
4 applies only to a tax year that begins on or after the effective  
5 date of this Act.

6 SECTION 8. Section 41.45, Tax Code, as amended by this Act,  
7 applies only to a postponement of a hearing that is requested on or  
8 after the effective date of this Act. A postponement of a hearing  
9 that is requested before the effective date of this Act is governed  
10 by the law as it existed immediately before the effective date of  
11 this Act, and that law is continued in effect for that purpose.

12 SECTION 9. The change in law made by this Act to Section  
13 42.29, Tax Code, applies only to an appeal under Chapter 42, Tax  
14 Code, of a determination of an appraisal review board that is filed  
15 on or after the effective date of this Act. An appeal under Chapter  
16 42, Tax Code, of a determination of an appraisal review board that  
17 was filed before the effective date of this Act is governed by the  
18 law in effect on the date the appeal was filed, and the former law is  
19 continued in effect for that purpose.

20 SECTION 10. (a) Except as provided by Subsections (b) and  
21 (c), this Act takes effect immediately if it receives a vote of  
22 two-thirds of all the members elected to each house, as provided by  
23 Section 39, Article III, Texas Constitution. If this Act does not  
24 receive the vote necessary for immediate effect, this Act takes  
25 effect September 1, 2009.

26 (b) Section 6.41, Tax Code, as amended by this Act, takes  
27 effect January 1, 2010.

H.B. No. 1030

1           (c) Section 41.415, Tax Code, as added by this Act, takes  
2 effect January 1, 2010.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1030 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1030 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1030 on May 31, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

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Chief Clerk of the House

H.B. No. 1030

I certify that H.B. No. 1030 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1030 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor