

By: Otto, Bohac, Thompson

H.B. No. 4230

A BILL TO BE ENTITLED

AN ACT

relating to the rescheduling of a hearing before an appraisal review board.

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

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

(e) On request made to the appraisal review board before the date of the hearing, a property owner who has not designated an agent under Section 1.111 to represent the owner at the hearing is entitled to one postponement of the hearing to a later date without showing cause. In addition and without limitation as to the number of postponements or reschedulings, the board shall reschedule ~~[postpone]~~ the hearing to a later date if before the 90th day after the date originally scheduled for the hearing the property owner or the owner's agent requests that the hearing be rescheduled and ~~[at any time]~~ shows good ~~[reasonable]~~ cause for the rescheduling ~~[postponement]~~ or obtains ~~[if]~~ the consent of the chief appraiser ~~[consents]~~ to the rescheduling ~~[postponement]~~. The hearing may not be postponed or rescheduled to a date less than five or more than 60 ~~[30]~~ days after the date scheduled for the hearing at the time ~~[when]~~ the postponement or rescheduling is sought unless the date and time of the hearing as postponed are agreed to by the chairman of the appraisal review board, the property owner, and the chief appraiser. A request by a property owner or an owner's agent

1 for a postponement or a rescheduling under this subsection may be
2 made in writing, including by facsimile transmission or electronic
3 mail, by telephone, or in person to the appraisal review board, a
4 panel of the board, or the chairman of the board. The chairman or
5 the chairman's representative may grant, but may not deny, a
6 postponement or rescheduling under this subsection without the
7 necessity of action by the full board. The granting by the
8 appraisal review board, the chairman, or the chairman's
9 representative of a postponement or a rescheduling under this
10 subsection does not require the delivery of additional written
11 notice to the property owner. A hearing may not be rescheduled if
12 the rescheduling would cause undue delay to the appraisal review
13 board.

14 (e-1) For purposes of Subsection (e), "good cause" means a
15 reason that includes an error or mistake that was not intentional or
16 the result of conscious indifference.

17 SECTION 2. The change in law made by this Act applies only
18 to a protest under Chapter 41, Tax Code, that is filed on or after
19 the effective date of this Act. A protest under Chapter 41, Tax
20 Code, that was filed before the effective date of this Act is
21 governed by the law in effect on the date the protest was filed, and
22 the former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2009.