

By: Wentworth

S.B. No. 1624

A BILL TO BE ENTITLED

AN ACT

relating to ad valorem taxation.

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

SECTION 1. 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 district court within 45 days after the party received notice under Section 41.47(d) that a final order has been entered from which an appeal may be had. Failure to timely file a petition bars any appeal under this chapter.

SECTION 2. Section 42.23, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the basis for the appeal is a cause of action under Section 42.26 and a party to the appeal submits a written discovery request pursuant to the Texas Rules of Civil Procedure for documents evidencing the most recent sales price of the property that is the subject of the appeal, operating statements concerning the property, or other income and expense documents concerning the property, the property owner must provide the documents requested or the court may not admit in evidence documents, analyses, or other information concerning whether the property was appraised unequally. Documents provided in response to such a discovery request and offered in evidence at trial are considered to be relevant and admissible as a matter of law.

1 SECTION 3. Section 42.29, Tax Code, is amended to read as  
2 follows:

3 Sec. 42.29. ATTORNEY'S FEES. (a) In the court's final  
4 judgment in connection with a petition for review filed under  
5 Section 42.21 in which relief is sought [~~A property owner who~~  
6 ~~prevails in an appeal to the court~~] under Section 42.25 or 42.26,  
7 the court may award [~~may be awarded~~] reasonable attorney's fees to:

8 (1) a property owner if the appraised value of the  
9 property as determined by the court is less than 90 percent of the  
10 appraised value of the property as determined by the appraisal  
11 review board; or

12 (2) the appraisal district if the appraised value of  
13 the property as determined by the court is at least 10 percent  
14 greater than the appraised value of the property as determined by  
15 the appraisal review board.

16 (b) The total amount of an [~~the~~] award of attorney's fees to  
17 the property owners who are parties to the appeal may not exceed the  
18 greater of:

19 (1) \$15,000; or

20 (2) 20 percent of the total amount by which the  
21 property owners' [~~owner's~~] tax liability is reduced as a result of  
22 the appeal.

23 (c) [~~(b)~~] Notwithstanding Subsection (b) [~~(a)~~], the total  
24 amount of an award of attorney's fees to the property owners who are  
25 parties to the appeal may not exceed the lesser of:

26 (1) \$100,000; or

27 (2) the total amount by which the property owners'

1 ~~[owner's]~~ tax liability is reduced as a result of the appeal.

2 (d) The amount of an award of attorney's fees to the  
3 appraisal district may not be less than \$15,000 or more than  
4 \$100,000.

5 SECTION 4. Sections 1151.152, 1151.1581, and 1151.162,  
6 Occupations Code, are amended to read as follows:

7 Sec. 1151.152. ELIGIBILITY FOR REGISTRATION. (a) To be  
8 eligible for registration, an applicant must:

- 9 (1) be at least 18 years of age;  
10 (2) reside in this state;  
11 (3) be of good moral character;  
12 (4) meet the applicable following educational  
13 requirement:

14 (A) if the applicant is a chief appraiser of an  
15 appraisal district, hold a bachelor's degree from an accredited  
16 college or university and meet any additional educational  
17 requirements imposed by the board; or

18 (B) if Paragraph (A) does not apply, be a  
19 graduate of an accredited high school or establish high school  
20 graduation equivalency; and

21 (5) be actively engaged in appraisal, assessment, or  
22 collection.

23 (b) In addition to meeting the requirements of Subsection  
24 (a), to be eligible for registration, an applicant described by  
25 Section 1151.151(a)(1) or (2) must have completed one or more real  
26 estate appraisal courses at an accredited college or university as  
27 specified by board rule. Rules adopted under this subsection may

1 require an applicant who is responsible for performing complex  
2 appraisals of property for ad valorem tax purposes to complete a  
3 greater number of courses than other property tax appraisers.

4       Sec. 1151.1581. CONTINUING EDUCATION. (a)       The board  
5 shall recognize, prepare, or administer continuing education  
6 programs for its registrants [~~license holders~~]. A registrant  
7 [~~license holder~~] must participate in the programs to the extent  
8 required by the board to keep the person's registration [~~license~~].

9       (b) The board may impose greater continuing education  
10 requirements for a registrant who is responsible for performing  
11 complex appraisals of property for ad valorem tax purposes than the  
12 board imposes for other property tax appraisers.

13       (c) The continuing education program for a registrant  
14 described by Section 1151.151(a)(1) or (2) must include training in  
15 property tax law and the appraisal system. A registrant described  
16 by Section 1151.151(a)(1) or (2) must complete the continuing  
17 education program every two years.

18       Sec. 1151.162. RULES RELATING TO RECERTIFICATION AND  
19 SPECIALIZATION. (a)       The board may adopt rules:

20               (1) regarding recertification to ensure that each  
21 person certified under this chapter who is engaged in appraisal,  
22 assessment, or collection is registered and professionally  
23 competent; and

24               (2) establishing specialized classifications,  
25 designations, and requirements as necessary to accomplish the  
26 purposes of this chapter, including maintaining high standards of  
27 professional practice in all phases of property taxation.

1       (b) The board shall adopt rules establishing specialized  
2 classifications and experience, minimum proficiency, and  
3 continuing education requirements for persons described by  
4 Sections 1151.151(a)(1) and (2) serving in different capacities on  
5 behalf of an appraisal review board, appraisal district, or taxing  
6 unit. Rules adopted under this subsection must require a person to  
7 demonstrate proficiency regarding all aspects of the property tax  
8 appraisal system and be certified as a registered professional  
9 appraiser before the person may assume the duties of an appraisal  
10 supervisor or perform a complex appraisal of property for ad  
11 valorem tax purposes.

12       SECTION 5. Sections 42.23(d) and (e), Tax Code, are  
13 repealed.

14       SECTION 6. The changes in law made by this Act to Chapter  
15 42, Tax Code, apply only to an appeal under that chapter that is  
16 filed on or after the effective date of this Act. An appeal under  
17 that chapter that is filed before the effective date of this Act is  
18 governed by the law in effect on the date the appeal was filed, and  
19 the former law is continued in effect for that purpose.

20       SECTION 7. The changes in law made by this Act to Chapter  
21 1151, Occupations Code, apply only to a registration that expires  
22 on or after the effective date of this Act.

23       SECTION 8. This Act takes effect September 1, 2009.