

1-1 By: Deuell S.B. No. 1334  
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read  
1-3 first time and referred to Committee on Finance; May 3, 2011,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 15, Nays 0; May 3, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1334 By: Deuell

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

1-9 relating to the dismissal of complaints against property tax  
1-10 professionals.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 1151.204, Occupations Code, is amended  
1-13 to read as follows:

1-14 Sec. 1151.204. DISMISSAL OF COMPLAINTS [~~COMPLAINT RELATING~~  
1-15 ~~TO APPRAISED VALUE~~]. (a) After investigation, the department may  
1-16 dismiss a complaint, in part or entirely, without conducting a  
1-17 hearing if [~~+~~

1-18 [~~(1)~~] the complaint [~~challenges only the appraised~~  
1-19 ~~value of a property or another matter for which Title I, Tax Code,~~  
1-20 ~~specifies a remedy and~~] does not credibly allege a violation of this  
1-21 chapter or the standards established by the commission for  
1-22 registrants under this chapter [~~+~~ and

1-23 [~~(2)~~ the disagreement has not been resolved in the  
1-24 complainant's favor by an appraisal review board or court].

1-25 (b) After investigation, the department shall dismiss a  
1-26 complaint, in part or entirely, without conducting a hearing if:

1-27 (1) the complaint challenges:

1-28 (A) the imposition of or failure to waive  
1-29 penalties or interest under Sections 33.01 and 33.011, Tax Code;

1-30 (B) the appraised value of a property;

1-31 (C) the appraisal methodology;

1-32 (D) the grant or denial of an exemption from  
1-33 taxation; or

1-34 (E) any matter for which Title 1, Tax Code,  
1-35 specifies a remedy, including an action that a property owner is  
1-36 entitled to protest before an appraisal review board under Section  
1-37 41.41(a), Tax Code; and

1-38 (2) the subject matter of the complaint has not been  
1-39 finally resolved in the complainant's favor by an appraisal review  
1-40 board, a governing body, an arbitrator, a court, or the State Office  
1-41 of Administrative Hearings under Section 2003.901, Government  
1-42 Code.

1-43 (c) This section does not apply to:

1-44 (1) a matter referred to the department by the  
1-45 comptroller under Section 5.102, Tax Code, or a successor statute;

1-46 (2) a complaint concerning a registrant's failure to  
1-47 comply with the registration and certification requirements of this  
1-48 chapter; or

1-49 (3) a complaint concerning a newly appointed chief  
1-50 appraiser's failure to complete the training program described by  
1-51 Section 1151.164.

1-52 SECTION 2. The change in law made by this Act to Section  
1-53 1151.204, Occupations Code, applies only to a complaint filed on or  
1-54 after the effective date of this Act. A complaint filed before that  
1-55 date is governed by the law in effect on the date the complaint was  
1-56 filed, and the former law is continued in effect for that purpose.

1-57 SECTION 3. This Act takes effect immediately if it receives  
1-58 a vote of two-thirds of all the members elected to each house, as  
1-59 provided by Section 39, Article III, Texas Constitution. If this  
1-60 Act does not receive the vote necessary for immediate effect, this  
1-61 Act takes effect September 1, 2011.

1-62 \* \* \* \* \*