

## **BILL ANALYSIS**

C.S.H.B. 585  
By: Villarreal  
Ways & Means  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that many of the complaints about the property tax system involve a public perception of bias and irresponsiveness on the part of the appraisal review board and local appraisal districts and a certain inadequacy in current state policy with respect to addressing the problems cited in some of these complaints. These problems include a general inability to rectify small procedural issues without filing a lawsuit and the absence of an effective process for the removal of appraisal review board members for cause.

C.S.H.B. 585 seeks to address these complaints and improve the transparency and accountability of an appraisal review board. The bill also seeks to make certain clarifications of the law regarding board members and board hearings and to make the affidavit process regarding appearances at a board hearing easier to use.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 585 amends the Tax Code, in provisions that take effect on January 1, 2014, to require a member of the appraisal review board established for an appraisal district to complete a continuing education course during the second year of the member's term of office, rather than as soon as practicable after the beginning of the second year of the member's term of office. The bill requires each appraisal review board member in attendance at the conclusion of a continuing education course or an initial training course to complete a statement on a form prescribed by the comptroller of public accounts indicating that the member will abide by the requirements of the Property Tax Code in conducting hearings. The bill prohibits a person from participating in a hearing conducted by the board, voting on a determination of a protest, or being reappointment to an additional term on the board until the person has completed the continuing education course and has received a certificate of course completion. The bill requires a person reappointed to the board, in addition to successfully completing the continuing education course, to comply with the bill's other requirements in each year the member continues to serve.

C.S.H.B. 585 prohibits the comptroller from advising the chief appraiser or another employee of an appraisal district, rather than an appraisal review board and in addition to a property owner or a property owner's agent, on a matter that the comptroller knows is the subject of a protest to the appraisal review board. The bill authorizes the comptroller to provide advice to an appraisal review board member through the comptroller's toll-free telephone number to provide answers to certain technical questions for appraisal review board members or as authorized by the bill's provisions on appraisal review board oversight and to communicate with the chair of an appraisal review board or a taxpayer liaison officer concerning complaints filed with an officer.

C.S.H.B. 585 requires the comptroller to prepare model hearing procedures for appraisal review

boards and sets out certain elements such procedures must address. The bill authorizes the comptroller to categorize appraisal districts based on the size of the district, the number of protests filed therein, or similar characteristics and to develop different model hearing procedures for different categories of districts. The bill requires the comptroller to prescribe the contents of a survey form for the purpose of providing the public a reasonable opportunity to offer comments and suggestions concerning the appraisal review board established for an appraisal district. The bill requires the survey form to permit a person to offer comments and suggestions concerning the appraisal review board established for an appraisal district, elements addressed by the model hearing procedures, or any other matter related to the fairness and efficiency of the appraisal review board. The bill requires the survey form, together with instructions for completing and submitting it, to be provided to each property owner at or before each hearing on a protest conducted by an appraisal review board and authorizes the appraisal office to provide clerical assistance to the comptroller for purposes of implementing provisions relating to the survey form. The bill authorizes the comptroller or an appraisal office providing assistance to the comptroller to provide for the provision and submission of survey forms electronically. The bill requires the comptroller to issue an annual report summarizing the survey forms submitted by property owners without disclosing the identity of a person who submits one.

C.S.H.B. 585 reduces from 125,000 to 120,000 the population of a county for which the board of directors of an appraisal district created for the county is required to appoint a taxpayer liaison officer. The bill makes the officer responsible for receiving and compiling a list of comments and suggestions filed by the chief appraiser, a property owner, or a property owner's agent concerning certain matters relating to the fairness and efficiency of an appraisal review board, to be forwarded to the comptroller in the form and manner prescribed by the comptroller. The bill requires, rather than authorizes, the taxpayer liaison officer to provide information and materials designed to assist property owners in understanding the appraisal process, protest procedures, and other matters, expands upon those matters, and specifies that the information and materials be provided to the public.

C.S.H.B. 585 requires the taxpayer liaison officer to report to the appraisal review board at each meeting on the status of all comments and suggestions filed with the officer, in addition to the complaints filed with the board, and makes a person who performs legal services for an appraisal district for compensation, in addition to a person who performs appraisal services for that district for compensation or the chief appraiser, ineligible to be the taxpayer liaison officer. The bill makes the taxpayer liaison officer for a certain appraisal district in which appraisal review board members are appointed by the local administrative district judge responsible for providing clerical assistance to the judge in the selection of board members. The bill requires the officer to deliver to the judge any applications to serve on the board that are submitted to the officer and to perform other duties as requested by the judge. The bill prohibits the officer from influencing the process for selecting appraisal review board members.

C.S.H.B. 585 changes the characteristics of a county in which the members of an appraisal review board for the appraisal district established in the county are appointed by the county's local administrative district judge from a county having a population of 3.3 million or more or a county with a population of 550,000 or more that is adjacent to a county with a population of 3.3 million or more to a county having a population of 120,000 or more. The bill requires all applications submitted to the appraisal district or to the appraisal review board from persons seeking appointment as a board member to be delivered to the judge and authorizes the appraisal district to provide the judge with information regarding whether an applicant for appointment to or a member of the board owes any delinquent property tax to a taxing unit participating in the appraisal district. The bill includes among the grounds for removal of a member of the board clear and convincing evidence of repeated bias or misconduct.

C.S.H.B. 585 makes it a Class A misdemeanor offenses, with regard to an appraisal district established for a county with a population of 120,000 or more, for a chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the

appraisal district, or a member of the board of directors of the appraisal district to communicate with the local administrative district judge regarding the appointment of appraisal review board members, with certain exceptions. The bill makes it a Class A misdemeanor offense for a chief appraiser or another employee or agent of an appraisal district to communicate with a member of the appraisal review board for the appraisal district, a member of the board of directors for the appraisal district, or, if the appraisal district is an appraisal district in a county with a population of 120,000 or more, the local administrative district judge regarding a ranking, scoring, or reporting of the percentage by which the appraisal review board or a panel of the board reduces the appraised value of property.

C.S.H.B. 585, in provisions that take effect on passage or September 1, 2013, requires the local administrative district judge or the judge's designee in such a county to appoint the members of the appraisal review board for the appraisal district established in the county as soon as practicable on or after January 1, 2014, and requires the judge or the judge's designee, in making the initial appointments, to designate those members who serve terms of one year as necessary to comply with term limits. The bill's provisions relating to appraisal review board member appointment apply only to the appointment of members to terms beginning on or after January 1, 2014, and the bill does not affect the term of a board member serving on December 31, 2013, if the member was appointed before January 1, 2014, to a term that began before December 31, 2013, and expires December 31, 2014.

C.S.H.B. 585 revises the types of communications exempt from provisions relating to ex parte communications to establish that, under certain situations, those provisions do not apply to communications with a member of an appraisal review board by the chief appraiser or another employee or member of the board of directors of an appraisal district or a property tax consultant or attorney representing a party to a proceeding before the appraisal review board. The bill requires a person claiming certain allocations of taxable property value to apply for the allocation by filing an allocation application form with the chief appraiser in the appraisal district in which the applicable property has taxable situs. The bill requires the person claiming allocation to apply for the allocation each year, to file a completed application form before May 1, and to provide the information required by the form. The bill extends the deadline for filing the allocation application form to the 45th day after the date of receipt of notice of appraised value if the property was not on the appraisal roll in the preceding year. The bill also requires the chief appraiser, for good cause shown, to extend the deadline for filing an application by written order for a period not to exceed 60 days.

C.S.H.B. 585 requires the comptroller to prescribe the contents of the allocation application form and to ensure that the form requires an applicant to provide the information necessary to determine the validity of the allocation claim. The bill requires the chief appraiser to investigate if the chief appraiser learns of any reason indicating that an allocation previously allowed should be canceled and subsequently to cancel the allocation and deliver written notice of such action not later than the fifth day after the date of cancellation if the chief appraiser determines that the property is not entitled to an allocation. The bill authorizes a person to protest the cancellation of an allocation. The bill specifies that the filing of a rendition is not a condition of qualification for allocation.

C.S.H.B. 585 requires the chief appraiser to accept and approve or deny an application for allocation after the application filing deadline has passed if the application is filed before the date the appraisal review board approves the appraisal records. The bill makes a property owner liable, if the application is approved, to each taxing unit for a penalty in an amount equal to 10 percent of the difference between the amount of tax imposed by the taxing unit on the property without the allocation and the amount of tax imposed on the property with the allocation. The bill requires the chief appraiser to make an entry on the appraisal records for the property indicating such liability and to deliver a written notice of imposition of the penalty, explaining the reason for its imposition, to the property owner. The bill requires the tax assessor for a taxing

unit that taxes the property to add the amount of the penalty to the property owner's tax bill and requires the tax collector for the unit to collect the penalty at the time and in the manner the collector collects the tax. The bill specifies that the amount of the penalty constitutes a lien against the property against which the penalty is imposed, as if the penalty were a tax, and accrues penalty and interest in the same manner as a delinquent tax.

C.S.H.B. 585 establishes that a refund application for property tax overpayments or erroneous payments is presumed to have been denied if the collector for a taxing unit does not respond to the application on or before the 90th day after the date the application is filed with the collector. The bill authorizes the taxpayer to file suit in district court to compel the payment of the refund at any time after the collector for a taxing unit denies a refund application, and, if the taxpayer prevails in the suit, authorizes the taxpayer to be awarded costs of court and reasonable attorney's fees. The bill adds electronic filing fees to the costs and expenses a taxing unit is entitled to recover in a suit to collect a delinquent tax and includes such fees in the court costs in a suit to collect taxes for which a taxing unit is not liable except in certain circumstances.

C.S.H.B. 585, in provisions that take effect January 1, 2014, clarifies that, with regard to a hearing on a taxpayer protest, a property owner does not waive the right to appear in person at the protest hearing by submitting an evidence or argument affidavit to the appraisal review board. The bill authorizes the board to consider the affidavit only if the property owner does not appear at the protest hearing in person. The bill requires a property owner, for purposes of hearing scheduling, to state in the affidavit that the property owner does or does not intend to appear at the hearing and to state that the affidavit may be used only if the property owner does not appear at the hearing. The bill requires the board to consider the submission of the affidavit as an indication that the property owner does not intend to appear at the hearing if the property owner does not state whether the owner intends to appear. The bill exempts the appraisal review board from being required to consider the affidavit at the scheduled hearing if the property owner states in the affidavit that the owner does not intend to appear or does not state in the affidavit whether the owner intends to appear and authorizes the board to consider the affidavit at a hearing designated for the specific purpose of processing affidavits. The bill sets out provisions regarding scheduling, postponement, panel assignment, and the nature of presented evidence for hearings on a taxpayer protest.

C.S.H.B. 585, in provisions that take effect on passage or September 1, 2013, repeals provisions relating to a property owner's entitlement to an expedited arbitration with regard to remedies under the Property Tax Code.

C.S.H.B. 585 includes the amount of taxes imposed on a property in the preceding tax year among the amount of taxes the lesser of which a property owner must pay on the property before the delinquency date to comply with statutory provisions governing the forfeiture of remedy for the nonpayment of taxes. The bill specifies that the failure to provide a statement in writing of the amount of taxes the property owner proposes to pay under those provisions is not a jurisdictional error. The bill authorizes the property owner to pay an amount of taxes in addition to the amount the property owner is required to pay before the delinquency date to comply with those provisions at any time and provides a procedure by which a property owner may comply with those provisions if the taxes are subject to the split-payment option.

C.S.H.B. 585 authorizes a petition for review by a district court of an appraisal review board order filed by an owner or lessee of property to include multiple properties that are owned or leased by the same person and that are of a similar type or are part of the same economic unit and would typically sell as a single property. The bill authorizes the court on motion and a showing of good cause to sever the plaintiffs or the properties if a petition is filed by multiple plaintiffs or includes multiple properties that are not of a similar type, are not part of the same economic unit, or are part of the same economic unit but would not typically sell as a single property. The bill provides for the amendment of a petition filed by an owner or lessee of property to include certain additional properties. The bill grants the county jurisdiction over an

appeal through judicial review brought on behalf of a property owner or lessee and establishes that the owner or lessee is considered to have exhausted the owner's or lessee's administrative remedies regardless of whether the petition correctly identifies the plaintiff as the owner or lessee of the property or correctly describes the property so long as the property was the subject of an appraisal review board order, the petition was filed within the period required, and the petition provides sufficient information to identify the property that is the subject of the petition. The bill provides the means by which the issue of whether the plaintiff is the proper party to bring the petition or whether the property needs to be further identified or described must be addressed and prohibits the issue from being the subject of a plea to the jurisdiction or a claim that the plaintiff has failed to exhaust the plaintiff's administrative remedies. The bill requires the court on motion, if the petition is amended to add a plaintiff, to enter a docket control order to provide proper deadlines in response to the addition of the plaintiff.

C.S.H.B. 585 specifies that evidence, argument, or other testimony offered at an appraisal review board hearing by a property owner or agent is not admissible in an appeal under a judicial review unless the evidence, argument, or other testimony is offered to demonstrate that there is sufficient evidence to deny a no-evidence motion for summary judgment filed by a party to the appeal or is necessary for the determination of the merits of a motion for summary judgment filed on another ground; the property owner or agent is designated as a witness for purposes of trial and the testimony offered at the appraisal review board hearing is offered for impeachment purposes; or the evidence is the plaintiff's testimony at the appraisal review board hearing as to the value of the property.

C.S.H.B. 585 repeals Section 41A.031, Tax Code.

### **EFFECTIVE DATE**

Except as otherwise provided, on passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 585 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 5.041, Tax Code, is amended to read as follows:

(b) A member of the appraisal review board established for an appraisal district must complete the course established under Subsections (a) and (e-1). A member of the appraisal review board may not participate in a hearing conducted by the board unless the person has completed the course established under Subsections (a) and (e-1) and has received a certificate of course completion.

(b-1) At the conclusion of a course established under Subsections (a) and (e-1), each member of the appraisal review board

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 5.041, Tax Code, is amended by adding Subsection (b-1) and amending Subsections (e-2) and (f) to read as follows:

(b-1) At the conclusion of a course established under Subsection (a), each member of an appraisal review board in

in attendance shall complete a statement, on a form prescribed by the comptroller, indicating that the member will abide by the requirements of this title in conducting hearings.

(e-2) During [As soon as practicable after the beginning of] the second year and each year thereafter of an appraisal review board member's term of office, the member must successfully complete the course established under Subsection (e-1). A person who fails to [timely] complete the course established under Subsection (e-1) may not participate in a hearing conducted by the board and may not vote on any determination of protest. Further, a person who fails to complete the courses established under Subsections (a) and (e-1) may not be reappointed to an additional term on the appraisal review board. Appraisal review board members [If the person is reappointed to an additional term on the appraisal review board, the person] must successfully complete the course established under Subsection (e-1) in each year the member continues to serve after the first year of service.

(f) The comptroller may not advise a property owner, a property owner's agent, the chief appraiser, or an employee of an appraisal district [or an appraisal review board] on a matter that the comptroller knows is the subject of a protest to the appraisal review board. The comptroller may provide advice to the appraisal review board as authorized by subsection (a)(4) of this section and may communicate with the chairmen of appraisal review boards and taxpayer liaison officers concerning complaints filed under Section 6.052 of this code.

SECTION 2. Section 5.103, Tax Code, is added to read as follows:

Section 5.103. Appraisal Review Board Oversight. (a) The comptroller shall adopt uniform practice and procedure rules for an appraisal review board.

(b) The rules shall address:

(1) duties of an appraisal review board;

attendance shall complete a statement, on a form prescribed by the comptroller, indicating that the member will comply with the requirements of this title in conducting hearings.

(e-2) During [As soon as practicable after the beginning of] the second year of an appraisal review board member's term of office, the member must successfully complete the course established under Subsection (e-1). At the conclusion of the course, the member must complete a statement described by Subsection (b-1). A person may not participate in a hearing conducted by the board, vote on a determination of a protest, or be reappointed to an additional term on the board until the person has completed [who fails to timely complete] the course established under Subsection (e-1) and has received a certificate of course completion [may not be reappointed to an additional term on the appraisal review board]. If the person is reappointed to an additional term on the appraisal review board, the person must successfully complete the course established under Subsection (e-1) and comply with the other requirements of this subsection in each year the member continues to serve.

(f) The comptroller may not advise a property owner, a property owner's agent, or the chief appraiser or another employee of an appraisal district[, or an appraisal review board] on a matter that the comptroller knows is the subject of a protest to the appraisal review board. The comptroller may provide advice to an appraisal review board member as authorized by Subsection (a)(4) of this section or Section 5.103 and may communicate with the chairman of an appraisal review board or a taxpayer liaison officer concerning a complaint filed under Section 6.052.

SECTION 2. Chapter 5, Tax Code, is amended by adding Section 5.103 to read as follows:

Sec. 5.103. APPRAISAL REVIEW BOARD OVERSIGHT. (a) The comptroller shall prepare model hearing procedures for appraisal review boards.

(b) The model hearing procedures shall address:

(1) the statutory duties of an appraisal review board;

- (2) scheduling of hearings;
- (3) notices required under this code;
- (4) determination of what constitutes substantially all timely filed protests under Section 41.12;
- (5) determination of good cause under Section 41.44(b);
- (6) determination of good cause under Section 41.45(e) and (g);
- (7) hearing procedures for the hearings the appraisal review conducts under Subchapters A and C of this chapter;
- (8) a party's right to offer evidence and argument;
- (9) a party's right to examine or cross-examine witnesses or other parties;
- (10) a party's right to appear by agent;
- (11) the prohibition of an appraisal review board on consideration of information not provided at the hearing;
- (12) ex parte communication;
- (13) exclusion of evidence under Section 41.461;
- (14) postponement for failure to comply with Section 41.461;
- (15) conflict of interest; and

(16) other matters related to fair and efficient appraisal review board hearings.

(b) An appraisal review board shall follow the rules of practice and procedure adopted by the comptroller.

(c) The comptroller shall develop and implement policies that provide the public with a reasonable opportunity to register complaints or suggestions for improvement concerning an appraisal review board with the comptroller.

- (2) the process for conducting a hearing;
- (3) the scheduling of hearings;
- (4) the postponement of hearings;
- (5) the notices required under this title;

- (6) the determination of good cause under Section 41.44(b);
- (7) the determination of good cause under Sections 41.45(e) and (e-1);

- (8) a party's right to offer evidence and argument;
- (9) a party's right to examine or cross-examine witnesses or other parties;
- (10) a party's right to appear by an agent;
- (11) the prohibition of an appraisal review board's consideration of information not provided at a hearing;
- (12) ex parte and other prohibited communications;
- (13) the exclusion of evidence at a hearing as required by Section 41.67(d);
- (14) the postponement of a hearing as required by Section 41.66(h);
- (15) conflicts of interest;
- (16) the process for the administration of applications for membership on an appraisal review board; and
- (17) any other matter related to fair and efficient appraisal review board hearings.

(c) The comptroller may:

- (1) categorize appraisal districts based on the size of the district, the number of protests filed in the district, or similar characteristics; and
- (2) develop different model hearing procedures for different categories of districts.

(d) An appraisal review board shall follow the model hearing procedures prepared by the comptroller when establishing its procedures for hearings as required by Section 41.66(a).

(e) The comptroller shall prescribe the contents of a survey form for the purpose of providing the public a reasonable opportunity to offer comments and suggestions concerning the appraisal review board established for an appraisal district. The survey form must permit a person to offer comments and suggestions concerning

(d) The comptroller shall prior to January 1 of the tax year issue a report summarizing the complaints and suggestions concerning each appraisal review board. The report shall not identify the person making the complaint.

(e) The chairman of an appraisal review board in a county in excess of 200,000 shall review the report and issue a written response to the issues raised in the report prior to April 1 of the succeeding year. The comptroller shall by rule set forth the requirements of this report.

SECTION 3. Section 6.052, Tax Code, is amended to read as follows:

(a) The board of directors for an appraisal district created for a county with a population of more than 125,000 shall appoint employ a taxpayer liaison officer who shall serve at the pleasure of the board. The taxpayer liaison officer shall administer the public access functions required by Sections 6.04(d), (e), and (f), and is responsible for resolving disputes not involving matters that may be protested under Section 41.41. The taxpayer liaison officer also is responsible for receiving and compiling a list of complaints filed by the chief appraiser, a property owner, or a property owner's agent concerning, but not limited to, the following matters related to the appraisal review board:

- (1) application of hearing procedures;
- (2) provision of notices;
- (3) scheduling of hearings;

the matters listed in Subsection (b) or any other matter related to the fairness and efficiency of the appraisal review board. The survey form, together with instructions for completing the form and submitting the form, shall be provided to each property owner at or before each hearing on a protest conducted by an appraisal review board. The appraisal office may provide clerical assistance to the comptroller for purposes of the implementation of this subsection, including assistance in providing and receiving the survey form. The comptroller, or an appraisal office providing clerical assistance to the comptroller, may provide for the provision and submission of survey forms electronically.

(f) The comptroller shall issue an annual report summarizing the survey forms submitted by property owners concerning each appraisal review board. The report may not disclose the identity of a person who submits a survey form.

SECTION 3. Section 6.052, Tax Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsection (f) to read as follows:

(a) The board of directors for an appraisal district created for a county with a population of more than 120,000 [125,000] shall appoint a taxpayer liaison officer who shall serve at the pleasure of the board. The taxpayer liaison officer shall administer the public access functions required by Sections 6.04(d), (e), and (f), and is responsible for resolving disputes not involving matters that may be protested under Section 41.41. In addition, the taxpayer liaison officer is responsible for receiving, and compiling a list of, comments and suggestions filed by the chief appraiser, a property owner, or a property owner's agent concerning the matters listed in Section 5.103(b) or any other matter related to the fairness and efficiency of the appraisal review board established for the appraisal district. The taxpayer liaison officer shall forward to the



- (4) postponement of hearings;
- (5) admission of evidence presented at hearings;
- (6) issuance of subpoenas;
- (7) conflicts of interest;
- (8) restrictions on membership eligibility;
- (9) assignment of protests to panels;
- (10) ex parte communications; and
- (11) any other procedural matter.

(b) The taxpayer liaison officer ~~may~~ shall provide to the public information and materials designed to assist property owners in understanding the appraisal process, protest procedures, how to file complaints under subsection (a) and Section 6.04(g), and other matters.

(c) The taxpayer liaison officer shall report to the board at each meeting on the status of all complaints filed with the board under section 6.04(g) and with the officer under subsection (a).

(d) The taxpayer liaison officer is entitled to compensation as provided by the budget adopted by the board of directors.

(e) The chief appraiser or any other person who performs appraisal or legal services for the appraisal district or is employed by the appraisal district in another capacity is not eligible to be the taxpayer liaison officer ~~[for the appraisal district]~~.

(f) The taxpayer liaison officer shall provide to the comptroller the list of complaints filed under subsection (a) in the form and manner and according to the schedule prescribed by the comptroller.

comptroller comments and suggestions filed under this subsection in the form and manner prescribed by the comptroller.

(b) The taxpayer liaison officer shall ~~may~~ provide to the public information and materials designed to assist property owners in understanding the appraisal process, protest procedures, the procedure for filing comments and suggestions under Subsection (a) of this section or a complaint under Section 6.04(g), and other ~~[related]~~ matters. Information concerning the process for submitting comments and suggestions to the comptroller concerning an appraisal review board shall be provided at each protest hearing.

(c) The taxpayer liaison officer shall report to the board at each meeting on the status of all ~~complaints~~ comments and suggestions ~~[complaints]~~ filed with the officer under Subsection (a) of this section and all complaints filed with the board under Section 6.04(g).

(e) The chief appraiser or any other person who performs appraisal or legal services for the appraisal district for compensation is not eligible to be the taxpayer liaison officer ~~[for the appraisal district]~~.

(f) The taxpayer liaison officer for an appraisal district described by Section 6.41(d-1) is responsible for providing clerical assistance to the local administrative district judge in the selection of appraisal review board members. The officer shall deliver to the local administrative district judge any applications to serve on the board that are submitted to the officer and shall perform other duties as requested by the local administrative district judge. The officer may not influence the process for selecting appraisal review board members.

SECTION 4. SECTION 6.41, Tax Code is amended to read as follows:

(d-1) In a county with a population of 200,000 [~~3.3 million or more or a county with a population of 550,000 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 the county in which the appraisal district is established.

(d-10) In a county with a population greater than 200,000, an appraisal review board member may be removed for good cause as follows:

(1) The Board of Directors of the appraisal district, the Chairman of the appraisal review board or a property owner in the district may file a motion with the local administrative district judge for purposes of the removal of a member of the appraisal review board for good cause.

(2) Good cause includes but is not limited to:

(i) failure to follow the Tax Code,

(ii) failure to follow the Rules of the Comptroller of Public Accounts,

(iii) demonstration of bias or prejudice,

(iv) participation in ex parte communication prohibited by this code,

(v) maintenance of statistics of changes in values of properties,

(vi) failure to regularly attend meetings,

(vii) failure to provide a report under Section 5.103(e); and

(viii) inattention to hearings or the hearing process.

SECTION 4. Section 6.41, Tax Code, is amended by amending Subsections (d-1) and (f) and adding Subsections (i), (j), and (k) to read as follows:

(d-1) In a county with a population of 120,000 [~~3.3 million or more or a county with a population of 550,000 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 under Subchapter D, Chapter 74, Government Code, in the county in which the appraisal district is established. All applications submitted to the appraisal district or to the appraisal review board from persons seeking appointment as a member of the appraisal review board shall be delivered to the local administrative district judge. The appraisal district may provide the local administrative district judge with information regarding whether an applicant for appointment to a member of the board owes any delinquent ad valorem taxes to a taxing unit participating in the appraisal district.

(f) A member of the board may be removed from the board

by a majority vote of the appraisal district board of directors, or by the local administrative district judge or the judge's designee, as applicable, that appointed the member. Grounds for removal are:

(1) a violation of Section 6.412, 6.413, 41.66(f), or 41.69; [ø]

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

(3) clear and convincing evidence of repeated bias or misconduct.

(3) The district judge shall have complete discretion in selection of the appropriate procedure for implementation of this process. The district judge may or may not hold a hearing. The decision of the district judge is final and may not be appealed.

(4) If good cause for removal is found, the member shall be removed from the appraisal review board immediately. The removal shall have no effect upon prior decisions in which the member participated.

(5) The district judge may appoint a special master to determine the motion for removal. The special master shall be compensated by the appraisal district at the same rate as an appraisal review board member.

(6) The local administrative district judge shall appoint the replacement if a member is removed.

(7) The comptroller of public accounts shall adopt rules for the implementation of this section.

(i) This subsection applies only to an appraisal district described by Subsection (d-1). A chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, or a member of the board of directors of the appraisal district commits an offense if the person communicates with the local administrative district judge regarding the appointment of appraisal review board members. This subsection does not apply to:

(1) a communication between a member of the appraisal review board and the local administrative district judge regarding the member's reappointment to the board;

(2) a communication between the taxpayer liaison officer for the appraisal district and the local administrative district judge in the course of the performance of the officer's clerical duties so long as the officer does not offer an opinion or comment regarding the appointment of appraisal review board members; or

(3) a communication between a chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, or a member of the board of directors of the appraisal district and the local administrative district judge regarding information described by Subsection (d-1) of this section or Section 411.1296.

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

(i) The decisions of a member of an appraisal review shall be made in compliance with this Code and the rules of the Comptroller of Public Accounts. A member shall at the conclusion of the training required under Section 5.041 or prior to the first appraisal review board hearing of the tax year sign an affidavit agreeing to compliance with these provisions.

(j) Service on a board does not constitute employment for the purposes of Chapter 201, Labor Code and does not authorize a person to receive unemployment benefits by virtue of such service.

SECTION 5. SECTION 21.09, Tax Code, is added to read as follows:

Sec. 21.09 ALLOCATION APPLICATION

(a) To receive an allocation authorized by Section 21.021, 21.03, 21.031, 21.05 or 21.055, a person claiming the allocation must apply for the allocation. To apply for an allocation, a person must file an allocation application form with the chief appraiser in the appraisal district in which

Government Code.

(j) A chief appraiser or another employee or agent of an appraisal district commits an offense if the person communicates with a member of the appraisal review board for the appraisal district, a member of the board of directors of the appraisal district, or, if the appraisal district is an appraisal district described by Subsection (d-1), the local administrative district judge regarding a ranking, scoring, or reporting of the percentage by which the appraisal review board or a panel of the board reduces the appraised value of property.

(k) An offense under Subsection (i) or (j) is a Class A misdemeanor.

SECTION 6. (part) Chapter 21, Tax Code, is amended by adding Sections 21.09 and 21.10 to read as follows:

Sec. 21.09. ALLOCATION

APPLICATION. (a) To receive an allocation authorized by Section 21.03, 21.031, 21.05, or 21.055, a person claiming the allocation must apply for the allocation. To apply for an allocation, a person must file an allocation application form with the chief appraiser in the appraisal district in

the property subject to the claimed allocation has situs.

(b) A person claiming allocation must apply for the allocation each year the person claims allocation. A person claiming allocation must file a completed allocation application form before May 1 and must furnish the information required by the form. For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application by written order for a period not to exceed 60 days.

(c) The comptroller shall prescribe the contents of the allocation application form and shall ensure that the form requires an applicant to furnish the information necessary to determine the validity of the allocation application.

(d) If the chief appraiser learns of any reason indicating that an allocation previously allowed should be cancelled, he shall investigate. If he determines that the property is not entitled to an allocation, he shall cancel the allocation and deliver written notice of the cancellation within five days after the date he makes the cancellation. A person may protest the cancellation of an allocation.

(e) The filing of a rendition under Chapter 22 is not a condition of qualification for allocation.

(f) If the property was not on the appraisal roll in the preceding year, the deadline for filing an application for allocation is extended to 45 days after receipt of the notice of appraised value required by Section 25.19(a)(1) of this code.

No equivalent provision.

which the property subject to the claimed allocation has taxable situs.

(b) A person claiming an allocation must apply for the allocation each year the person claims the allocation. A person claiming an allocation must file a completed allocation application form before May 1 and must provide the information required by the form. If the property was not on the appraisal roll in the preceding year, the deadline for filing the allocation application form is extended to the 45th day after the date of receipt of the notice of appraised value required by Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 60 days.

(c) The comptroller shall prescribe the contents of the allocation application form and shall ensure that the form requires an applicant to provide the information necessary to determine the validity of the allocation claim.

(d) If the chief appraiser learns of any reason indicating that an allocation previously allowed should be canceled, the chief appraiser shall investigate. If the chief appraiser determines that the property is not entitled to an allocation, the chief appraiser shall cancel the allocation and deliver written notice of the cancellation not later than the fifth day after the date the chief appraiser makes the cancellation. A person may protest the cancellation of an allocation.

(e) The filing of a rendition under Chapter 22 is not a condition of qualification for an allocation.

SECTION 5. Section 6.411(c-1), Tax Code, is amended to read as follows:

(c-1) This section does not apply to communications with a member of an appraisal review board by [involving] the chief appraiser or another employee or a member of the board of directors of an appraisal district or a property tax consultant or attorney representing a party to a

proceeding before [and a member of] the appraisal review board:

(1) during a hearing on a protest or other proceeding before the appraisal review board;

(2) that constitute social conversation;

(3) that are specifically limited to and involve administrative, clerical, or logistical matters related to the scheduling and operation of hearings, the processing of documents, the issuance of orders, notices, and subpoenas, and the operation, appointment, composition, or attendance at training of the appraisal review board; or

(4) that are necessary and appropriate to enable the board of directors of the appraisal district to determine whether to appoint, reappoint, or remove a person as a member or the chairman or secretary of the appraisal review board.

SECTION 6. SECTION 22.10, Tax Code, is added to read as follows:

Sec. 21.10. LATE APPLICATION FOR ALLOCATION. (a) The chief appraiser shall accept and approve or deny an application for allocation under Section 21.09 after the deadline for filing it has passed if it is filed before the date the appraisal review board approves the appraisal records.

(b) If the application is approved, the property owner is liable to each taxing unit for a penalty in an amount equal to 10 percent of the difference between the amount of tax imposed by the taxing unit on the property without the allocation and the amount of tax imposed on the property with the allocation.

(c) The chief appraiser shall make an entry on the appraisal records for the property indicating the property owner's liability for the penalty and shall deliver a written notice of imposition of the penalty, explaining the reason for its imposition, to the property owner.

(d) The tax assessor for a taxing unit that taxes the property shall add the amount of the penalty to the property owner's tax bill, and the tax collector for the unit shall collect the penalty at the time and in the manner the collector collects the tax. The amount of the penalty constitutes a lien against the property against which the penalty is imposed, as if it were a tax, and accrues

SECTION 6. (part). *(Substantially the same as introduced version.)*

penalty and interest in the same manner as a delinquent tax.

No equivalent provision.

SECTION 7. Section 31.11, Tax Code, is amended by adding Subsections (j) and (k) to read as follows:

(j) If the collector for a taxing unit does not respond to an application for a refund on or before the 90th day after the date the application is filed with the collector, the application is presumed to have been denied.

(k) At any time after the collector for a taxing unit denies an application for a refund, the taxpayer may file suit in district court to compel the payment of the refund. If the taxpayer prevails in the suit, the taxpayer may be awarded costs of court and reasonable attorney's fees.

No equivalent provision.

SECTION 8. Section 33.48(a), Tax Code, is amended to read as follows:

(a) In addition to other costs authorized by law, a taxing unit is entitled to recover the following costs and expenses in a suit to collect a delinquent tax:

(1) all usual court costs, including the cost of serving process and electronic filing fees;

(2) costs of filing for record a notice of lis pendens against property;

(3) expenses of foreclosure sale;

(4) reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due;

(5) attorney's fees in the amount of 15 percent of the total amount of taxes, penalties, and interest due the unit; and

(6) reasonable attorney ad litem fees approved by the court that are incurred in a suit in which the court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

No equivalent provision.

SECTION 9. Section 33.49(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process or electronic filing, an attorney ad litem, arbitration, or mediation,

and may not be required to post security for costs.

SECTION 7. SECTION 41.45(n), Tax Code, is added to read as follows:

(n) A property owner does not waive the right to appear in person by the filing of an affidavit and the affidavit shall be used by the appraisal review board only in the event the property owner does not appear in person. For purposes of the scheduling of a hearing, a property owner shall designate on the affidavit that the property owner does not intend to appear at the hearing or shall designate that the affidavit shall be used only in the event that the property owner does not appear at the hearing. If the property owner states that the property owner does not intend to appear at the hearing, the appraisal review board is not required to consider the affidavit at the scheduled hearing and may consider the affidavit at a hearing designated for the specific purpose of processing affidavits.

SECTION 10. Section 41.45, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) A property owner does not waive the right to appear in person at the protest hearing by submitting an affidavit to the appraisal review board. The board may consider the affidavit only if the property owner does not appear at the protest hearing in person. For purposes of scheduling the hearing, the property owner shall state in the affidavit that the property owner does not intend to appear at the hearing or that the property owner intends to appear at the hearing and that the affidavit may be used only if the property owner does not appear at the hearing. If the property owner does not state in the affidavit whether the owner intends to appear at the hearing, the board shall consider the submission of the affidavit as an indication that the property owner does not intend to appear at the hearing. If the property owner states in the affidavit that the owner does not intend to appear at the hearing or does not state in the affidavit whether the owner intends to appear at the hearing, the appraisal review board is not required to consider the affidavit at the scheduled hearing and may consider the affidavit at a hearing designated for the specific purpose of processing affidavits.

SECTION 8. SECTION 41.66, Tax Code, is amended by adding subsections (i), (j), (k), (l), (m), (n) and (o) to read as follows:

(i) A protest hearing shall be set for a time and date certain. If the protest hearing for a property owner not represented by an agent designated under Section 1.111 is not commenced within two hours of the time certain, the hearing upon request shall be postponed. If a protest hearing is not commenced on the date noticed, a designated agent may request a postponement of the protest hearing and the request is automatically granted. The postponed hearing may be set no sooner than 14 days from the original hearing date unless by other agreement and the appraisal review board shall provide written notice of the new hearing.

SECTION 11. Section 41.66, Tax Code, is amended by adding Subsections (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(i) A hearing on a protest filed by a property owner who is not represented by an agent designated under Section 1.111 shall be set for a time and date certain. If the hearing is not commenced within two hours of the time set for the hearing, the appraisal review board shall postpone the hearing on the request of the property owner.



(j) At the written request of a property owner filed with the protest, the appraisal review board shall schedule requested protest hearings for that property owner for consecutive hearings. At the written request of an attorney or an agent designated under Section 1.111 filed with the protest, the appraisal review board shall schedule the requested protest hearings for that attorney, agent, or agent's company for consecutive hearings. The district is not required to schedule more than twenty hearings consecutively. A district may use more than one panel for scheduling the hearings for an agent's company. In a county in which an attorney or an agent designated under Section 1.111 protests fewer than twenty properties, the hearings upon request shall be on the same day.

(k) At the request of a property owner or an agent designated under Section 1.111, the appraisal review board shall schedule all parcels for a property or economic unit of real property for the same protest hearing. The parcels comprising a single property or economic unit shall be identified in the protest.

(l) Property owners or their designated agents shall be randomly assigned to panels. However, the assignment may consider the property type subject to protest for utilization of panel expertise for a particular property type. If a property owner or designated agent is assigned to a panel for a day, the property owner or designated agent may not be reassigned to another panel without the property owner or designated agent's consent. Reassignment without consent is good cause for postponement of a hearing.

(m) Evidence and argument provided by a property owner, attorney or agent in support of a protest brought under Section 41.41(a)

(j) On the request of a property owner or a designated agent, an appraisal review board shall schedule hearings on protests concerning up to 20 designated properties on the same day. The designated properties must be identified in the same notice of protest, and the notice must contain in boldfaced type the statement "request for same-day protest hearings." A property owner or designated agent may not file more than one request under this subsection with the appraisal review board in the same tax year. The appraisal review board may schedule hearings on protests concerning more than 20 properties filed by the same property owner or designated agent and may use different panels to conduct the hearings based on the board's customary scheduling. The appraisal review board may follow the practices customarily used by the board in the scheduling of hearings under this subsection.

(k) If an appraisal review board sits in panels to conduct protest hearings, protests shall be randomly assigned to panels, except that the board may consider the type of property subject to the protest or the ground of the protest for the purpose of using the expertise of a particular panel in hearing protests regarding particular types of property or based on particular grounds. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.

(l) A property owner, attorney, or agent offering evidence or argument in support of a protest brought under Section 41.41(a)(1)

(1) or (2) is not subject to Chapter 1103, Occupation Code, unless the person offering such evidence or argument states that they are offering evidence or argument as a person holding a license or certification under Chapter 1103, Occupation Code. A person licensed under Chapter 1103, Occupation Code shall state the capacity in which they are appearing before the appraisal review board.

(n) Appraisal districts and appraisal review boards may not make decisions with regard to membership on a panel or chairmanship of a panel based upon consideration of a member's voting record in previous cases.

(o) An appraisal review board shall respond in writing to a request for postponement of a hearing within seven days of receipt of the request.

(p) The chairman of an appraisal review board or member designated by the chairman may make decisions with regard to the scheduling or postponement of a protest hearing. The chief appraiser or person designated by the chief appraiser may agree to a postponement of an appraisal review board hearing.

SECTION 9. Section 41A.01, Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit made payable to the comptroller in the amount of[÷]

~~[(A)] \$500 [÷; or~~

~~[(B)] \$250, if the property owner requests expedited arbitration under Section 41A.031].~~

**No equivalent provision.**

or (2) of this code is not subject to Chapter 1103, Occupations Code, unless the person offering the evidence or argument states that the person is offering evidence or argument as a person holding a license or certificate under Chapter 1103, Occupations Code. A person holding a license or certificate under Chapter 1103, Occupations Code, shall state the capacity in which the person is appearing before the appraisal review board.

(m) An appraisal district or appraisal review board may not make decisions with regard to membership on a panel or chairmanship of a panel based on a member's voting record in previous protests.

(n) A request for postponement of a hearing must contain the mailing address and e-mail address of the person requesting the postponement. An appraisal review board shall respond in writing or by e-mail to a request for postponement of a hearing not later than the seventh day after the date of receipt of the request.

(o) The chairman of an appraisal review board or a member designated by the chairman may make decisions with regard to the scheduling or postponement of a hearing. The chief appraiser or a person designated by the chief appraiser may agree to a postponement of an appraisal review board hearing.

SECTION 12. *(Substantially the same as introduced version.)*

SECTION 13. Sections 42.08(b), (b-1), and (c), Tax Code, are amended to read as follows:

(b) Except as provided in Subsection (d), a property owner who appeals as provided by this chapter must pay taxes on the property

subject to the appeal in the amount required by this subsection before the delinquency date or the property owner forfeits the right to proceed to a final determination of the appeal. The amount of taxes the property owner must pay on the property before the delinquency date to comply with this subsection is the lesser of:

(1) the amount of taxes due on the portion of the taxable value of the property that is not in dispute; ~~or~~

(2) the amount of taxes due on the property under the order from which the appeal is taken; or

(3) the amount of taxes imposed on the property in the preceding tax year.

(b-1) This subsection applies only to an appeal in which the property owner elects to pay the amount of taxes described by Subsection (b)(1). The appeal filed by the property owner must be accompanied by a statement in writing of the amount of taxes the property owner proposes to pay. The failure to provide the statement required by this subsection is not a jurisdictional error.

(c) A property owner that pays an amount of taxes greater than that required by Subsection (b) does not forfeit the property owner's right to a final determination of the appeal by making the payment. The property owner may pay an additional amount of taxes at any time. If the property owner files a timely appeal under this chapter, taxes paid on the property are considered paid under protest, even if paid before the appeal is filed. If the taxes are subject to the split-payment option provided by Section 31.03, the property owner may comply with Subsection (b) of this section by paying one-half of the amount otherwise required to be paid under that subsection before December 1 and paying the remaining one-half of that amount before July 1 of the following year.

SECTION 10. SECTION 42.21, Tax Code, is amended by adding subsections (f) and (g) to read as follows:

(f) A petition may include multiple properties owned or leased by the same plaintiff.

(g) A petition may include multiple plaintiffs if the plaintiffs are or related entities. Related entities include parents and subsidiaries, affiliates, joint ventures,

SECTION 14. Section 42.21, Tax Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) A petition filed by an owner or lessee of property may include multiple properties that are owned or leased by the same person and are of a similar type or are part of the same economic unit and would typically sell as a single property. If a petition is filed by multiple plaintiffs or includes multiple

partnerships with overlapping partners or companies with overlapping members. The court upon motion may sever the action of related entities upon a showing that the entities are not related. Evidence of a related entity includes identical management of the entities, identical principal place of business of the entities, same representative for purposes of an entity representative for an entity deposition and same person retaining the attorney for purposes of filing the lawsuit.

(h) A petition may be amended within the time period set forth in subsection (a) for the same year to include additional properties owned by the same owner or related entities that are the subject of an appraisal review board order.

(i) The court has jurisdiction over an appeal under this chapter regardless of the plaintiff identified in the petition if the property was the subject of an appraisal review board hearing for the current year and the petition was filed within the time period set forth in subsection (a). A petition may be amended at any time to insure proper parties in interest to the lawsuit or to correct an error in the identification of the property. Upon motion, the court shall determine proper parties in interest to the suit. An incorrect party or property shall be the subject of a special exception and correction through amendment.

properties that are not of a similar type, are not part of the same economic unit, or are part of the same economic unit but would not typically sell as a single property, the court may on motion and a showing of good cause sever the plaintiffs or the properties.

(g) A petition filed by an owner or lessee of property may be amended to include additional properties in the same county that are owned or leased by the same person, are of a similar type as the property originally involved in the appeal or are part of the same economic unit as the property originally involved in the appeal and would typically sell as a single property, and are the subject of an appraisal review board order issued in the same year as the order that is the subject of the original appeal. The amendment must be filed within the period during which a petition for review of the appraisal review board order pertaining to the additional properties would be required to be filed under Subsection (a).

(h) The court has jurisdiction over an appeal under this chapter brought on behalf of a property owner or lessee and the owner or lessee is considered to have exhausted the owner's or lessee's administrative remedies regardless of whether the petition correctly identifies the plaintiff as the owner or lessee of the property or correctly describes the property so long as the property was the subject of an appraisal review board order, the petition was filed within the period required by Subsection (a), and the petition provides sufficient information to identify the property that is the subject of the petition. Whether the plaintiff is the proper party to bring the petition or whether the property needs to be further identified or described must be addressed by means of a special exception and correction of the petition by amendment as authorized by Subsection (e) and may not be the subject of a plea to the jurisdiction or a claim that the plaintiff has failed to exhaust the plaintiff's administrative remedies. If the petition is amended to add a plaintiff, the court on motion shall enter a docket control order to

provide proper deadlines in response to the addition of the plaintiff.

No equivalent provision.

SECTION 11. SECTION 42.26 is amended by adding subsection (e) to read as follows:

(e) For purposes of this section, the appraised value of the property the subject of the suit and the appraised value of the comparable properties is the appraised value determined by the appraisal review board. This subsection does not apply to chemical processing property, utility property, or other properties in which a reasonable number of comparable properties constitutes all the comparable properties.

SECTION 12. Section 42.23, Tax Code, is amended by adding subsection (h) to read as follows:

(h) Evidence, argument and other testimony offered at an appraisal review board hearing by a property owner or agent is not admissible under this chapter except to establish the court's jurisdiction or for purposes of evidence in a no evidence motion for summary judgment.

SECTION 15. Section 42.23, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Evidence, argument, or other testimony offered at an appraisal review board hearing by a property owner or agent is not admissible in an appeal under this chapter unless:

(1) the evidence, argument, or other testimony is offered to demonstrate that there is sufficient evidence to deny a no-evidence motion for summary judgment filed by a party to the appeal or is necessary for the determination of the merits of a motion for summary judgment filed on another ground;

(2) the property owner or agent is designated as a witness for purposes of trial and the testimony offered at the appraisal review board hearing is offered for impeachment purposes; or

(3) the evidence is the plaintiff's testimony at the appraisal review board hearing as to the value of the property.

SECTION 13. Section 41A.031 is repealed.

SECTION 16. Section 41A.031, Tax Code, is repealed.

SECTION 14. The changes in law made by this Act are procedural changes to existing law and are applicable to any proceedings pending or not finalized as of the effective date of this bill.

SECTION 17. The changes in law made by this Act apply to a proceeding that is pending on the effective date of this Act or is filed on or after the effective date of this Act.

No equivalent provision.

SECTION 18. (a) As soon as practicable on or after January 1, 2014, the local administrative district judge or the judge's designee in a county described by Section 6.41(d-1), Tax Code, as amended by this

Act, in the manner provided by Section 6.41, Tax Code, shall appoint the members of the appraisal review board for the appraisal district established in the county. In making the initial appointments, the judge or judge's designee shall designate those members who serve terms of one year as necessary to comply with Section 6.41(e), Tax Code.

(b) The changes made to Section 6.41, Tax Code, by this Act apply only to the appointment of appraisal review board members to terms beginning on or after January 1, 2014. This Act does not affect the term of an appraisal review board member serving on December 31, 2013, if the member was appointed before January 1, 2014, to a term that began before December 31, 2013, and expires December 31, 2014.

No equivalent provision.

SECTION 19. Section 6.411, Tax Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 15. Sections 1, 2, 3, 4, 5, 8, and 9 take effect January 1, 2014.

SECTION 20. (part)

(b) Sections 1, 2, 3, 4, 10, and 11 of this Act take effect January 1, 2014.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 20. (part) (*Substantially the same as introduced version.*)