

BILL ANALYSIS

C.S.H.B. 3445
By: Otto
Ways & Means
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that, under current law, appraisal review boards have exclusive jurisdiction over property tax disputes, that property owners generally must exhaust their administrative remedies before seeking judicial review, and that there is no time requirement relating to when an appraisal review board hearing must be heard.

C.S.H.B. 3445 seeks to ensure that a property owner protesting an action of the chief appraiser, appraisal district, or appraisal review board has an appraisal review board hearing to resolve the dispute in a reasonable amount of time.

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. 3445 amends the Tax Code to require an appraisal review board, if a hearing is necessary to take action or make a determination relating to a property tax protest, petition, or motion, to hold the hearing on or before the 275th day after the date the protest, petition, or motion is filed, unless the chief appraiser and the property owner or the property owner's agent agree to extend the deadline. The bill establishes that if the chief appraiser and the property owner or the property owner's agent agree to extend the deadline, neither party is subject to the imposition of any penalty or legal consequence as a result of that agreement. The bill establishes that a protest, petition, or motion is considered granted if the board fails to hold the hearing by the required date.

C.S.H.B. 3445 establishes that the bill's provisions apply only to a protest, petition, or motion filed with an appraisal review board on or after the bill's effective date unless the board has not held a hearing on the protest, petition, or motion as of that date, in which case the bill's provisions apply to a protest, petition, or motion filed with the board before the bill's effective date.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3445 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 41.01, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) If a hearing is necessary to take action or make a determination under Subsection (a), the board must hold the hearing on or before the 180th day after the date the protest, petition, or motion is filed, regardless of whether a party requests a postponement. If the board fails to hold the hearing by the required date, the protest, petition, or motion is considered granted.

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act applies only to a protest, petition, or motion filed with an appraisal review board on or after the effective date of this Act.

(b) This Act applies to a protest, petition, or motion filed with an appraisal review board before the effective date of this Act if the board has not held a hearing on the protest, petition, or motion as of the effective date of this Act.

(c) For purposes of the application of Section 41.01(c), Tax Code, as added by this Act, a protest, petition, or motion described by Subsection (b) of this section is considered to have been filed on the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 41.01, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) If a hearing is necessary to take action or make a determination under Subsection (a), the board must hold the hearing on or before the 275th day after the date the protest, petition, or motion is filed unless the chief appraiser and the property owner or the property owner's agent agree to extend the deadline. If the chief appraiser and the property owner or the property owner's agent agree to extend the deadline, neither party is subject to the imposition of any penalty or legal consequence as a result of that agreement. If the board fails to hold the hearing by the required date, the protest, petition, or motion is considered granted.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.