

By: Otto

H.B. No. 316

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the pilot program authorizing a property owner to  
3 appeal to the State Office of Administrative Hearings regarding  
4 certain appraisal review board determinations.

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

6 SECTION 1. The heading to Subchapter Z, Chapter 2003,  
7 Government Code, is amended to read as follows:

8 SUBCHAPTER Z. [~~PILOT PROGRAM.~~] APPEALS FROM APPRAISAL REVIEW  
9 BOARD DETERMINATIONS [~~IN CERTAIN COUNTIES~~]

10 SECTION 2. Section 2003.901, Government Code, is amended to  
11 read as follows:

12 Sec. 2003.901. APPEALS FROM APPRAISAL REVIEW BOARD  
13 DETERMINATIONS [~~PILOT PROGRAM~~]. As [~~(a) Not later than January 1,~~  
14 ~~2010, the office shall develop a pilot program under which, as~~] an  
15 alternative to filing an appeal under Section 42.01, Tax Code, a  
16 property owner may appeal to the office an appraisal review board  
17 order determining a protest concerning the appraised or market  
18 value of property brought under Section 41.41(a)(1) or (2), Tax  
19 Code, if the appraised or market value, as applicable, of the  
20 property that was the subject of the protest, as determined by the  
21 board order, is more than \$1 million.

22 [~~(b) The pilot program shall be developed and implemented in~~  
23 ~~conformance with the provisions of this subchapter.~~

24 [~~(c) So as to expeditiously determine the appeals filed with~~

1 ~~the office using resources available to the office, the office is~~  
2 ~~not required to determine more than 3,000 appeals filed under this~~  
3 ~~subchapter. The office may develop a formula to establish the~~  
4 ~~number of appeals that may be filed in each county included in the~~  
5 ~~pilot program based on the total number of lawsuits filed in a~~  
6 ~~county to which this subchapter applies as a percentage of the total~~  
7 ~~number of lawsuits filed in all of those counties.]~~

8 SECTION 3. Section 2003.902, Government Code, is amended to  
9 read as follows:

10 Sec. 2003.902. PARTICIPATING OFFICES AND REMOTE HEARING  
11 SITES [~~COUNTIES INCLUDED~~]. The office shall hear appeals filed  
12 under this subchapter only in [~~pilot program shall be implemented~~]:

13 (1) Amarillo; [~~in Bexar, Cameron, El Paso, Harris,~~  
14 ~~Tarrant, and Travis Counties for a four-year period beginning with~~  
15 ~~the ad valorem tax year that begins January 1, 2010, and]~~

16 (2) Austin;

17 (3) Beaumont;

18 (4) Corpus Christi;

19 (5) El Paso;

20 (6) Fort Worth;

21 (7) Houston;

22 (8) Lubbock;

23 (9) Lufkin;

24 (10) McAllen;

25 (11) Midland;

26 (12) San Antonio;

27 (13) Tyler; and

1           (14) Wichita Falls [~~in Collin, Denton, Fort Bend,~~  
2 ~~Montgomery, and Nueces Counties for a two-year period beginning~~  
3 ~~with the ad valorem tax year that begins January 1, 2012~~].

4           SECTION 4. Section 2003.904, Government Code, is amended to  
5 read as follows:

6           Sec. 2003.904. APPLICABILITY TO REAL AND PERSONAL PROPERTY.  
7 This subchapter applies only to an appeal of [~~The pilot program must~~  
8 ~~be applicable to~~] a determination of the appraised or market value  
9 made by an appraisal review board in connection with real or  
10 personal property, other than industrial property or minerals.

11          SECTION 5. Section 2003.908, Government Code, is amended to  
12 read as follows:

13          Sec. 2003.908. NOTICE TO PROPERTY OWNERS. An appraisal  
14 review board [~~of an appraisal district established in a county~~  
15 ~~listed in Section 2003.902 of this code~~] that delivers notice of  
16 issuance of an order described by Section 2003.901 of this code  
17 pertaining to property described by Section 2003.904 of this code  
18 and a copy of the order to a property owner as required by Section  
19 41.47, Tax Code, shall include with the notice and copy:

20                 (1) a notice of the property owner's rights under this  
21 subchapter; and

22                 (2) a copy of the notice of appeal prescribed by  
23 Section 2003.907.

24          SECTION 6. The heading to Section 2003.909, Government  
25 Code, is amended to read as follows:

26          Sec. 2003.909. DESIGNATION OF ADMINISTRATIVE LAW JUDGE;  
27 LOCATION OF HEARING.

1 SECTION 7. Section 2003.909, Government Code, is amended by  
2 adding Subsection (b-1) and amending Subsection (c) to read as  
3 follows:

4 (b-1) If all or part of the property that is the subject of  
5 the appeal is located in a municipality listed in Section 2003.902,  
6 the administrative law judge shall set the hearing in that  
7 municipality. If no part of the property that is the subject of the  
8 appeal is located in a municipality listed in Section 2003.902, the  
9 administrative law judge shall set the hearing in the listed  
10 municipality that is nearest to the subject property.

11 (c) The hearing must be held in a building or facility that  
12 is owned or partly or entirely leased by the office [~~and located in~~  
13 ~~the county in which the applicable appraisal district is~~  
14 ~~established~~], except that if the office does not own or lease a  
15 building or facility in the municipality in which the hearing is  
16 required to be held [~~county~~], the hearing may be held in any public  
17 or privately owned building or facility in that municipality  
18 [~~county~~], preferably a building or facility in which the office  
19 regularly conducts business. The hearing may not be held in a  
20 building or facility that is owned, leased, or under the control of  
21 an [~~the~~] appraisal district.

22 SECTION 8. Sections 2003.915 and 2003.916, Government Code,  
23 are repealed.

24 SECTION 9. The changes in law made by this Act apply only to  
25 an appeal filed under Subchapter Z, Chapter 2003, Government Code,  
26 on or after the effective date of this Act. An appeal filed under  
27 Subchapter Z, Chapter 2003, Government Code, before the effective

1 date of this Act is governed by the law in effect when the appeal was  
2 filed, and the former law is continued in effect for that purpose.

3 SECTION 10. This Act takes effect January 1, 2014.