

By: Villarreal, Workman, King of Parker

H.B. No. 585

A BILL TO BE ENTITLED

AN ACT

relating to ad valorem taxation; creating an offense.

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

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 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

1 successfully complete the course established under Subsection
2 (e-1) and comply with the other requirements of this subsection in
3 each year the member continues to serve.

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

13 SECTION 2. Chapter 5, Tax Code, is amended by adding Section
14 5.103 to read as follows:

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

18 (b) The model hearing procedures shall address:

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

20 (2) the process for conducting a hearing;

21 (3) the scheduling of hearings;

22 (4) the postponement of hearings;

23 (5) the notices required under this title;

24 (6) the determination of good cause under Section
25 41.44(b);

26 (7) the determination of good cause under Sections
27 41.45(e) and (e-1);

1 (8) a party's right to offer evidence and argument;

2 (9) a party's right to examine or cross-examine
3 witnesses or other parties;

4 (10) a party's right to appear by an agent;

5 (11) the prohibition of an appraisal review board's
6 consideration of information not provided at a hearing;

7 (12) ex parte and other prohibited communications;

8 (13) the exclusion of evidence at a hearing as
9 required by Section 41.67(d);

10 (14) the postponement of a hearing as required by
11 Section 41.66(h);

12 (15) conflicts of interest;

13 (16) the process for the administration of
14 applications for membership on an appraisal review board; and

15 (17) any other matter related to fair and efficient
16 appraisal review board hearings.

17 (c) The comptroller may:

18 (1) categorize appraisal districts based on the size
19 of the district, the number of protests filed in the district, or
20 similar characteristics; and

21 (2) develop different model hearing procedures for
22 different categories of districts.

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

26 (e) The comptroller shall prescribe the contents of a survey
27 form for the purpose of providing the public a reasonable

1 opportunity to offer comments and suggestions concerning the
2 appraisal review board established for an appraisal district. The
3 survey form must permit a person to offer comments and suggestions
4 concerning the matters listed in Subsection (b) or any other matter
5 related to the fairness and efficiency of the appraisal review
6 board. The survey form, together with instructions for completing
7 the form and submitting the form, shall be provided to each property
8 owner at or before each hearing on a protest conducted by an
9 appraisal review board. The appraisal office may provide clerical
10 assistance to the comptroller for purposes of the implementation of
11 this subsection, including assistance in providing and receiving
12 the survey form. The comptroller, or an appraisal office providing
13 clerical assistance to the comptroller, may provide for the
14 provision and submission of survey forms electronically.

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

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

22 (a) The board of directors for an appraisal district created
23 for a county with a population of more than 120,000 [~~125,000~~] shall
24 appoint a taxpayer liaison officer who shall serve at the pleasure
25 of the board. The taxpayer liaison officer shall administer the
26 public access functions required by Sections 6.04(d), (e), and (f),
27 and is responsible for resolving disputes not involving matters

1 that may be protested under Section 41.41. In addition, the
2 taxpayer liaison officer is responsible for receiving, and
3 compiling a list of, comments and suggestions filed by the chief
4 appraiser, a property owner, or a property owner's agent concerning
5 the matters listed in Section 5.103(b) or any other matter related
6 to the fairness and efficiency of the appraisal review board
7 established for the appraisal district. The taxpayer liaison
8 officer shall forward to the comptroller comments and suggestions
9 filed under this subsection in the form and manner prescribed by the
10 comptroller.

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

20 (c) The taxpayer liaison officer shall report to the board
21 at each meeting on the status of all comments and suggestions
22 [~~complaints~~] filed with the officer under Subsection (a) of this
23 section and all complaints filed with the board under Section
24 6.04(g).

25 (e) The chief appraiser or any other person who performs
26 appraisal or legal services for the appraisal district for
27 compensation is not eligible to be the taxpayer liaison officer

1 ~~[for the appraisal district].~~

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

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

14 (d) Except as provided by Subsection (d-1), members of the
15 board are independent contractors of the appraisal district
16 appointed by resolution of a majority of the appraisal district
17 board of directors. A vacancy on the board is filled in the same
18 manner for the unexpired portion of the term.

19 (d-1) In a county with a population of 120,000 [~~3.3 million~~
20 ~~or more or a county with a population of 550,000 or more that is~~
21 ~~adjacent to a county with a population of 3.3 million]~~ or more the
22 members of the board are independent contractors of the appraisal
23 district appointed by the local administrative district judge under
24 Subchapter D, Chapter 74, Government Code, in the county in which
25 the appraisal district is established. All applications submitted
26 to the appraisal district or to the appraisal review board from
27 persons seeking appointment as a member of the appraisal review

1 board shall be delivered to the local administrative district
2 judge. The appraisal district may provide the local administrative
3 district judge with information regarding whether an applicant for
4 appointment to or a member of the board owes any delinquent ad
5 valorem taxes to a taxing unit participating in the appraisal
6 district.

7 (f) A member of the board serves at the pleasure [~~may be~~
8 ~~removed from the board by a majority vote~~] of the appraisal district
9 board of directors[~~7~~] or [~~by~~] the local administrative district
10 judge or the judge's designee, as applicable, that appointed the
11 member. [~~Grounds for removal are:~~

12 [~~(1) a violation of Section 6.412, 6.413, 41.66(f), or~~
13 ~~41.69, or~~

14 [~~(2) good cause relating to the attendance of members~~
15 ~~at called meetings of the board as established by written policy~~
16 ~~adopted by a majority of the appraisal district board of~~
17 ~~directors.]~~

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

26 (1) a communication between a member of the appraisal
27 review board and the local administrative district judge regarding

1 the member's reappointment to the board;

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

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

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

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

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

1 (c-1) This section does not apply to communications with a
2 member of an appraisal review board by [~~involving~~] the chief
3 appraiser or another employee or a member of the board of directors
4 of an appraisal district or a property tax consultant or attorney
5 representing a party to a proceeding before [~~and a member of~~] the
6 appraisal review board:

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

9 (2) that constitute social conversation;

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

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

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

22 Sec. 21.09. ALLOCATION APPLICATION. (a) To receive an
23 allocation authorized by Section 21.03, 21.031, 21.05, or 21.055, a
24 person claiming the allocation must apply for the allocation. To
25 apply for an allocation, a person must file an allocation
26 application form with the chief appraiser in the appraisal district
27 in which the property subject to the claimed allocation has taxable

1 situs.

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

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

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

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

27 Sec. 21.10. LATE APPLICATION FOR ALLOCATION. (a) The chief

1 appraiser shall accept and approve or deny an application for an
2 allocation under Section 21.09 after the deadline for filing the
3 application has passed if the application is filed before the date
4 the appraisal review board approves the appraisal records.

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

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

15 (d) The tax assessor for a taxing unit that taxes the
16 property shall add the amount of the penalty to the property owner's
17 tax bill, and the tax collector for the unit shall collect the
18 penalty at the time and in the manner the collector collects the
19 tax. The amount of the penalty constitutes a lien against the
20 property against which the penalty is imposed, as if the penalty
21 were a tax, and accrues penalty and interest in the same manner as a
22 delinquent tax.

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

25 (j) If the collector for a taxing unit does not respond to an
26 application for a refund on or before the 90th day after the date
27 the application is filed with the collector, the application is

1 presumed to have been denied.

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

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

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

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

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

16 (3) expenses of foreclosure sale;

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

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

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

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

3 (a) Except as provided by Subsection (b), a taxing unit is
4 not liable in a suit to collect taxes for court costs, including any
5 fees for service of process or electronic filing, an attorney ad
6 litem, arbitration, or mediation, and may not be required to post
7 security for costs.

8 SECTION 10. (a) Section 41.43, Tax Code, is amended by
9 amending Subsection (a) and adding Subsections (a-3), (a-4), and
10 (a-5) to read as follows:

11 (a) Except as provided by Subsections (a-1), (a-3), and (d),
12 in a protest authorized by Section 41.41(a)(1) or (2), the
13 appraisal district has the burden of establishing the value of the
14 property by a preponderance of the evidence presented at the
15 hearing. If the appraisal district fails to meet that standard, the
16 protest shall be determined in favor of the property owner.

17 (a-3) In a protest authorized by Section 41.41(a)(1) or (2),
18 the appraisal district has the burden of establishing the value of
19 the property by clear and convincing evidence presented at the
20 hearing if:

21 (1) the appraised value of the property was lowered
22 under this subtitle in the preceding tax year;

23 (2) the appraised value of the property in the
24 preceding tax year was not established as a result of a written
25 agreement between the property owner or the owner's agent and the
26 appraisal district under Section 1.111(e); and

27 (3) not later than the 14th day before the date of the

1 first day of the hearing, the property owner files with the
2 appraisal review board and delivers to the chief appraiser:

3 (A) information, such as income and expense
4 statements or information regarding comparable sales, that is
5 sufficient to allow for a determination of the appraised or market
6 value of the property if the protest is authorized by Section
7 41.41(a)(1); or

8 (B) information that is sufficient to allow for a
9 determination of whether the property was appraised unequally if
10 the protest is authorized by Section 41.41(a)(2).

11 (a-4) If the appraisal district has the burden of
12 establishing the value of property by clear and convincing evidence
13 presented at the hearing on a protest as provided by Subsection
14 (a-3) and the appraisal district fails to meet that standard, the
15 protest shall be determined in favor of the property owner.

16 (a-5) Subsection (a-3)(3) does not impose a duty on a
17 property owner to provide any information in a protest authorized
18 by Section 41.41(a)(1) or (2). That subdivision is merely a
19 condition to the applicability of the standard of evidence provided
20 by Subsection (a-3).

21 (b) The change in law made by this section applies only to a
22 protest filed with an appraisal review board on or after the
23 effective date of this section. A protest filed with an appraisal
24 review board before the effective date of this section is covered by
25 the law in effect at the time the protest was filed, and the former
26 law is continued in effect for that purpose.

27 (c) Notwithstanding any other provision of this Act, this

1 section takes effect September 1, 2013.

2 SECTION 11. Section 41.45, Tax Code, is amended by adding
3 Subsection (n) to read as follows:

4 (n) A property owner does not waive the right to appear in
5 person at the protest hearing by submitting an affidavit to the
6 appraisal review board. The board may consider the affidavit only
7 if the property owner does not appear at the protest hearing in
8 person. For purposes of scheduling the hearing, the property owner
9 shall state in the affidavit that the property owner does not intend
10 to appear at the hearing or that the property owner intends to
11 appear at the hearing and that the affidavit may be used only if the
12 property owner does not appear at the hearing. If the property
13 owner does not state in the affidavit whether the owner intends to
14 appear at the hearing, the board shall consider the submission of
15 the affidavit as an indication that the property owner does not
16 intend to appear at the hearing. If the property owner states in
17 the affidavit that the owner does not intend to appear at the
18 hearing or does not state in the affidavit whether the owner intends
19 to appear at the hearing, the appraisal review board is not required
20 to consider the affidavit at the scheduled hearing and may consider
21 the affidavit at a hearing designated for the specific purpose of
22 processing affidavits.

23 SECTION 12. Section 41.66, Tax Code, is amended by adding
24 Subsections (i), (j), (k), (l), (m), (n), and (o) to read as
25 follows:

26 (i) A hearing on a protest filed by a property owner who is
27 not represented by an agent designated under Section 1.111 shall be

1 set for a time and date certain. If the hearing is not commenced
2 within two hours of the time set for the hearing, the appraisal
3 review board shall postpone the hearing on the request of the
4 property owner.

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

19 (k) If an appraisal review board sits in panels to conduct
20 protest hearings, protests shall be randomly assigned to panels,
21 except that the board may consider the type of property subject to
22 the protest or the ground of the protest for the purpose of using
23 the expertise of a particular panel in hearing protests regarding
24 particular types of property or based on particular grounds. If a
25 protest is scheduled to be heard by a particular panel, the protest
26 may not be reassigned to another panel without the consent of the
27 property owner or designated agent. If the appraisal review board

1 has cause to reassign a protest to another panel, a property owner
2 or designated agent may agree to reassignment of the protest or may
3 request that the hearing on the protest be postponed. The board
4 shall postpone the hearing on that request. A change of members of
5 a panel because of a conflict of interest, illness, or inability to
6 continue participating in hearings for the remainder of the day
7 does not constitute reassignment of a protest to another panel.

8 (l) A property owner, attorney, or agent offering evidence
9 or argument in support of a protest brought under Section
10 41.41(a)(1) or (2) of this code is not subject to Chapter 1103,
11 Occupations Code, unless the person offering the evidence or
12 argument states that the person is offering evidence or argument as
13 a person holding a license or certificate under Chapter 1103,
14 Occupations Code. A person holding a license or certificate under
15 Chapter 1103, Occupations Code, shall state the capacity in which
16 the person is appearing before the appraisal review board.

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

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

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

1 person designated by the chief appraiser may agree to a
2 postponement of an appraisal review board hearing.

3 SECTION 13. Section 41A.03(a), Tax Code, is amended to read
4 as follows:

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

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

11 (2) an arbitration deposit made payable to the
12 comptroller in the amount of ~~+~~

13 ~~[(A)] \$500~~ ~~[+ or~~

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

16 SECTION 14. Sections 42.08(b), (b-1), and (c), Tax Code,
17 are amended to read as follows:

18 (b) Except as provided in Subsection (d), a property owner
19 who appeals as provided by this chapter must pay taxes on the
20 property subject to the appeal in the amount required by this
21 subsection before the delinquency date or the property owner
22 forfeits the right to proceed to a final determination of the
23 appeal. The amount of taxes the property owner must pay on the
24 property before the delinquency date to comply with this subsection
25 is the lesser of:

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

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

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

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

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

24 SECTION 15. Section 42.21, Tax Code, is amended by adding
25 Subsections (f), (g), and (h) to read as follows:

26 (f) A petition filed by an owner or lessee of property may
27 include multiple properties that are owned or leased by the same

1 person and are of a similar type or are part of the same economic
2 unit and would typically sell as a single property. If a petition
3 is filed by multiple plaintiffs or includes multiple properties
4 that are not of a similar type, are not part of the same economic
5 unit, or are part of the same economic unit but would not typically
6 sell as a single property, the court may on motion and a showing of
7 good cause sever the plaintiffs or the properties.

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

19 (h) The court has jurisdiction over an appeal under this
20 chapter brought on behalf of a property owner or lessee and the
21 owner or lessee is considered to have exhausted the owner's or
22 lessee's administrative remedies regardless of whether the
23 petition correctly identifies the plaintiff as the owner or lessee
24 of the property or correctly describes the property so long as the
25 property was the subject of an appraisal review board order, the
26 petition was filed within the period required by Subsection (a),
27 and the petition provides sufficient information to identify the

1 property that is the subject of the petition. Whether the plaintiff
2 is the proper party to bring the petition or whether the property
3 needs to be further identified or described must be addressed by
4 means of a special exception and correction of the petition by
5 amendment as authorized by Subsection (e) and may not be the subject
6 of a plea to the jurisdiction or a claim that the plaintiff has
7 failed to exhaust the plaintiff's administrative remedies. If the
8 petition is amended to add a plaintiff, the court on motion shall
9 enter a docket control order to provide proper deadlines in
10 response to the addition of the plaintiff.

11 SECTION 16. Section 42.23, Tax Code, is amended by adding
12 Subsection (h) to read as follows:

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

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

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

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

27 SECTION 17. Section 41A.031, Tax Code, is repealed.

1 SECTION 18. The changes in law made by this Act apply to a
2 proceeding that is pending on the effective date of this Act or is
3 filed on or after the effective date of this Act.

4 SECTION 19. (a) As soon as practicable on or after January
5 1, 2014, the local administrative district judge or the judge's
6 designee in a county described by Section 6.41(d-1), Tax Code, as
7 amended by this Act, in the manner provided by Section 6.41, Tax
8 Code, shall appoint the members of the appraisal review board for
9 the appraisal district established in the county. In making the
10 initial appointments, the judge or judge's designee shall designate
11 those members who serve terms of one year as necessary to comply
12 with Section 6.41(e), Tax Code.

13 (b) The changes made to Section 6.41, Tax Code, by this Act
14 apply only to the appointment of appraisal review board members to
15 terms beginning on or after January 1, 2014. This Act does not
16 affect the term of an appraisal review board member serving on
17 December 31, 2013, if the member was appointed before January 1,
18 2014, to a term that began before December 31, 2013, and expires
19 December 31, 2014.

20 SECTION 20. Section 6.411, Tax Code, as amended by this Act,
21 applies only to an offense committed on or after the effective date
22 of this Act. An offense committed before the effective date of this
23 Act is governed by the law in effect on the date the offense was
24 committed, and the former law is continued in effect for that
25 purpose. For purposes of this section, an offense was committed
26 before the effective date of this Act if any element of the offense
27 occurred before that date.

1 SECTION 21. (a) Except as provided by Subsection (b) of
2 this section:

3 (1) this Act takes effect immediately if it receives a
4 vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution; and

6 (2) if this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect September 1, 2013.

8 (b) Sections 1, 2, 3, 4, 11, and 12 of this Act take effect
9 January 1, 2014.