

By: Guillen

H.B. No. 2777

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedures for taxpayer protests and to appeals of  
3 certain ad valorem tax determinations to justice courts.

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

5 SECTION 1. Section 41.45(b), Tax Code, is amended to read as  
6 follows:

7 (b) The property owner initiating the protest is entitled to  
8 an opportunity to appear to offer evidence or argument. The  
9 property owner may offer the owner's [~~his~~] evidence or argument by  
10 affidavit without personally appearing if the owner [~~he~~] attests to  
11 the affidavit before an officer authorized to administer oaths and  
12 submits the affidavit to the board hearing the protest before it  
13 begins the hearing on the protest. On receipt of an affidavit, the  
14 board shall notify the chief appraiser. The chief appraiser [~~may~~  
15 ~~inspect the affidavit and~~] is entitled to a copy of the affidavit on  
16 request. The board and the chief appraiser shall review the  
17 evidence or argument provided by the property owner before the  
18 hearing on the protest.

19 SECTION 2. Section 41.47(e), Tax Code, is amended to read as  
20 follows:

21 (e) The notice of the issuance of the order must contain a  
22 prominently printed statement in upper-case bold lettering  
23 informing the property owner in clear and concise language of the  
24 property owner's right to appeal the board's decision to district

1 court or, if the amount of taxes in dispute is \$10,000 or less, to  
2 justice court. The statement must describe the deadline prescribed  
3 by Section 42.06(a) [~~of this code~~] for filing a written notice of  
4 appeal[~~7~~] and the deadline prescribed by Section 42.21(a) [~~of this~~  
5 ~~code~~] for filing the petition for review with the appropriate  
6 [~~district~~] court.

7 SECTION 3. The heading to Subchapter B, Chapter 42, Tax  
8 Code, is amended to read as follows:

9 SUBCHAPTER B. JUDICIAL PROCEEDINGS [~~REVIEW BY DISTRICT COURT~~]

10 SECTION 4. Section 42.21(a), Tax Code, is amended to read as  
11 follows:

12 (a) A party who appeals as provided by this chapter must  
13 file a petition for review with the appropriate [~~district~~] court  
14 within 60 days after the party received notice that a final order  
15 has been entered from which an appeal may be had or at any time after  
16 the hearing but before the 60-day deadline. Failure to timely file  
17 a petition bars any appeal under this chapter.

18 SECTION 5. Subchapter B, Chapter 42, Tax Code, is amended by  
19 adding Sections 42.211 and 42.212 to read as follows:

20 Sec. 42.211. JURISDICTION. (a) Except as provided by this  
21 section, an appeal under this subchapter must be made to a district  
22 court.

23 (b) A property owner may appeal an order of an appraisal  
24 review board under Section 42.01(a)(1) to a justice court if the  
25 appeal relates only to a determination of appraised value or  
26 eligibility for an exemption from taxation and the amount of taxes  
27 due on the portion of the taxable value of the property that is in

1 dispute calculated using the preceding year's tax rates is \$10,000  
2 or less.

3 (c) If the justice court determines that the justice court  
4 does not have jurisdiction of the appeal, the court shall dismiss  
5 the appeal. In that event, the property owner may appeal the order  
6 to district court by filing a petition for review with the district  
7 court not later than the 30th day after the date of the dismissal.

8 Sec. 42.212. REPRESENTATION IN JUSTICE COURT. In an appeal  
9 brought under Section 42.01(a)(1) to a justice court, an appraisal  
10 district may be, but is not required to be, represented by legal  
11 counsel.

12 SECTION 6. Section 42.22, Tax Code, as amended by Chapters  
13 667 (S.B. 548) and 1033 (H.B. 301), Acts of the 73rd Legislature,  
14 Regular Session, 1993, is reenacted and amended to read as follows:

15 Sec. 42.22. VENUE. (a) Except as provided by Subsections  
16 (b) and (c) [~~7~~] and [~~by~~] Section 42.221, venue in an appeal to  
17 district court is in the county in which the appraisal review board  
18 that issued the order appealed is located.

19 (b) Venue of an action brought under Section 42.01(a)(1) in  
20 district court [~~42.01(1)~~] is in the county in which the property is  
21 located or in the county in which the appraisal review board that  
22 issued the order is located.

23 (c) Venue of an action brought under Section 42.01(a)(1) in  
24 justice court is in any justice precinct in the county in which the  
25 appraisal review board that issued the order appealed is located.

26 (d) Venue is in Travis County if the order appealed was  
27 issued by the comptroller.

1 SECTION 7. Section 42.23(a), Tax Code, is amended to read as  
2 follows:

3 (a) Review is by trial de novo. The [~~district~~] court shall  
4 try all issues of fact and law raised by the pleadings in the manner  
5 applicable to civil suits generally.

6 SECTION 8. Section 42.24, Tax Code, is amended to read as  
7 follows:

8 Sec. 42.24. ACTION BY COURT. In determining an appeal, the  
9 [~~district~~] court may:

10 (1) fix the appraised value of property in accordance  
11 with the requirements of law if the appraised value is at issue;

12 (2) enter the orders necessary to ensure equal  
13 treatment under the law for the appealing property owner if  
14 inequality in the appraisal of the owner's [~~his~~] property is at  
15 issue; or

16 (3) enter other orders necessary to preserve rights  
17 protected by and impose duties required by the law.

18 SECTION 9. Section 42.26(a), Tax Code, is amended to read as  
19 follows:

20 (a) The [~~district~~] court shall grant relief on the ground  
21 that a property is appraised unequally if:

22 (1) the appraisal ratio of the property exceeds by at  
23 least 10 percent the median level of appraisal of a reasonable and  
24 representative sample of other properties in the appraisal  
25 district;

26 (2) the appraisal ratio of the property exceeds by at  
27 least 10 percent the median level of appraisal of a sample of

1 properties in the appraisal district consisting of a reasonable  
2 number of other properties similarly situated to, or of the same  
3 general kind or character as, the property subject to the appeal; or

4 (3) the appraised value of the property exceeds the  
5 median appraised value of a reasonable number of comparable  
6 properties appropriately adjusted.

7 SECTION 10. Subchapter B, Chapter 42, Tax Code, is amended  
8 by adding Section 42.27 to read as follows:

9 Sec. 42.27. JUSTICE COURT JUDGMENT NOT APPEALABLE. The  
10 final judgment of a justice court in an appeal to the justice court  
11 brought under Section 42.01(a)(1) may not be appealed by any  
12 person.

13 SECTION 11. Section 27.031, Government Code, is amended by  
14 adding Subsection (a-1) to read as follows:

15 (a-1) A justice court has jurisdiction over appeals of  
16 certain property tax matters as provided by Section 42.211, Tax  
17 Code.

18 SECTION 12. The change in law made by this Act applies to  
19 the appeal of an order of an appraisal review board without regard  
20 to whether the order was issued before the effective date of this  
21 Act.

22 SECTION 13. This Act takes effect September 1, 2013.