

By: Parker

H.B. No. 3297

A BILL TO BE ENTITLED

AN ACT

relating to pretrial settlement discussions during ad valorem tax appeals.

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

SECTION 1. Subchapter B, Chapter 42, Tax Code, is amended by adding Section 42.227 to read as follows:

Sec. 42.227. PRETRIAL SETTLEMENT DISCUSSIONS. (a) A property owner or appraisal district that is a party to an appeal under this chapter may request that the parties engage in settlement discussions, including through an informal settlement conference or a form of alternative dispute resolution. The request must be in writing and delivered to the other party before the date of trial. The court on motion of either party shall enter orders necessary to implement this section, including an order:

(1) specifying the form that the settlement discussions must take; or

(2) changing a deadline to designate experts prescribed by Subsection (c).

(b) On or before the 120th day after the date the written request is delivered under Subsection (a), each party or the party's attorney of record shall attend the settlement discussions and make a good faith effort to resolve the matter under appeal.

(c) If the appraisal district is unable for any reason to attend the settlement discussions on or before the 120th day after

1 the date the written request is delivered under Subsection (a), the  
2 deadline to designate experts for the appeal is, notwithstanding a  
3 deadline prescribed by the Texas Rules of Civil Procedure:

4 (1) with regard to all experts testifying for a party  
5 seeking affirmative relief, 60 days before the date of trial; and

6 (2) with regard to all other experts, 30 days before  
7 the date of trial.

8 (d) If a property owner is unable for any reason to attend  
9 the settlement discussions on or before the 120th day after the date  
10 the written request is delivered under Subsection (a), Section  
11 42.23(d) does not apply to the parties to the appeal.

12 (e) An appraisal district may not request or require a  
13 property owner to waive a right under this title as a condition of  
14 attending a settlement discussion.

15 SECTION 2. The changes in law made by this Act apply only to  
16 an appeal filed under Chapter 42, Tax Code, on or after the  
17 effective date of this Act. An appeal filed under Chapter 42, Tax  
18 Code, before the effective date of this Act is governed by the law  
19 applicable to the appeal immediately before the effective date of  
20 this Act, and the former law is continued in effect for that  
21 purpose.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2015.