

By: Elkins

H.B. No. 3870

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a master in chancery in certain counties to aid in the determination of certain 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 42.241 to read as follows:

Sec. 42.241. MASTERS FOR CERTAIN TAX APPEALS. (a) This section applies only to a district court located in a county with a population of 3.3 million or more.

(b) A district court may appoint a master in chancery to recommend a final judgment in an appeal authorized by Section 42.01. The referring court may appoint no more than two masters in chancery under this section during each year.

(c) To be eligible to serve as a master in chancery, a person must be an attorney licensed in this state and have at least 10 years of experience working in the field of ad valorem tax appraisal or collection.

(d) A master in chancery shall perform all of the duties required by the referring court. The master is subject to the orders of the court.

(e) Subject to the limitations and specifications stated in the referring court's order appointing the master in chancery, the master shall:

1 (1) regulate all proceedings in a hearing or trial
2 before the master and do all acts and take all measures necessary or
3 proper for the efficient performance of the master's duties under
4 the order;

5 (2) enforce provisions of the Texas Rules of Civil
6 Procedure regarding discovery and order expedited discovery if
7 appropriate;

8 (3) rule on the admissibility of evidence;

9 (4) administer oaths to and examine witnesses;

10 (5) conduct nonjury trials;

11 (6) make a record of the trial at the request of a
12 party;

13 (7) exercise other powers prescribed by the order; and

14 (8) issue a report including findings of fact and
15 conclusions of law and a recommendation of a final judgment to the
16 referring court.

17 (f) If a jury demand is made and a jury fee is paid in a
18 matter before the master in chancery, the master shall:

19 (1) refer each issue that requires a jury to the
20 referring court; and

21 (2) conduct hearings, make determinations, and issue
22 orders concerning pretrial matters, including motions for summary
23 judgment, motions to compel discovery, and other procedural,
24 interlocutory, and dispositive motions.

25 (g) A pretrial ruling by a master in chancery from which a
26 writ of mandamus is sought must be appealed to the referring court
27 before initiation of the mandamus proceeding in a court of appeals.

1 (h) Notwithstanding any other law or requirement, an
2 attorney appointed as a master in chancery under this section may
3 practice law in the referring court if otherwise qualified to do so.

4 (i) At the conclusion of a hearing or trial conducted by a
5 master in chancery that results in a recommendation of a final
6 judgment, or at the request of the referring court, the master shall
7 transmit to the court all papers relating to the case with the
8 master's signed and dated report and recommendation of a final
9 judgment.

10 (j) After the master in chancery's report has been signed
11 and filed with the referring court, the master shall provide the
12 report and recommendation to the parties to the case, together with
13 notice of the right to appeal to the court before the recommendation
14 of a final judgment is approved.

15 (k) After the master in chancery's report and
16 recommendation are filed with the referring court, and unless a
17 party has filed a written notice of appeal to the court, the court
18 may confirm, modify, correct, reject, reverse, or recommit the
19 report and recommendation as the court determines appropriate.

20 (l) The referring court shall award reasonable compensation
21 to a master in chancery to be paid as costs of court, along with the
22 cost of a court reporter if a record of the proceeding is requested
23 by a party.

24 (m) A recommendation of final judgment by a master in
25 chancery to the referring court may be appealed in the manner
26 provided by Section 33.74. If an appeal to the court is not filed or
27 the right to an appeal to the court is waived, the findings in the

1 report and recommendation of the master become the decree or order
2 of the court on the court's signing of an order or decree conforming
3 to the master's report and recommendation.

4 (n) A master in chancery appointed under this section has
5 the immunity granted by law to a master and the judicial immunity
6 granted to a district judge.

7 SECTION 2. This Act takes effect September 1, 2015.