

By: Lucio III

H.B. No. 364

A BILL TO BE ENTITLED

AN ACT

relating to the abatement of discovery during pretrial settlement discussions in certain ad valorem tax appeals.

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

SECTION 1. Section 42.227, Tax Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(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); or

(3) abating discovery during the period prescribed by this section for conducting settlement discussions as provided by Subsection (f).

(f) Either party to an appeal under this chapter may file a motion with the court requesting that the court abate discovery

1 during the period prescribed by this section for conducting  
2 settlement discussions. The court shall grant the motion unless  
3 the nonmoving party shows good cause to deny the motion.

4 (g) The procedures provided by this section are necessary  
5 for a fair adjudication of an appeal under this chapter. The court  
6 shall grant a continuance to provide a party to the appeal the  
7 opportunity to comply with the procedures of this section.

8 SECTION 2. The changes in law made by this Act apply only to  
9 an appeal filed under Chapter 42, Tax Code, on or after the  
10 effective date of this Act. An appeal filed under Chapter 42, Tax  
11 Code, before the effective date of this Act is governed by the law  
12 applicable to the appeal immediately before the effective date of  
13 this Act, and the former law is continued in effect for that  
14 purpose.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect December 1, 2017.