

By: Bettencourt

S.B. No. 1286

A BILL TO BE ENTITLED

AN ACT

relating to the system for protesting or appealing certain ad
valorem tax determinations.

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

SECTION 1. Section 41.45, Tax Code, is amended by amending
Subsections (h) and (o) and adding Subsection (p) to read as
follows:

(h) Before the hearing on a protest or immediately after the
hearing begins, the chief appraiser and the property owner or the
owner's agent shall each provide the other with a copy of any
written material or material preserved on a portable device
designed to maintain a ~~[an electronic, magnetic, or digital]~~
reproduction of a document or image that the person intends to offer
or submit to the appraisal review board at the hearing. Each person
must provide the copy of material in the manner and form prescribed
by comptroller rule.

(o) If the chief appraiser uses audiovisual equipment at a
hearing on a protest, the appraisal office shall provide
audiovisual equipment of the same general type, kind, and
character, as prescribed by comptroller rule, for use during the
hearing by the property owner or the property owner's agent.

(p) The comptroller by rule shall prescribe:

(1) the manner and form, including security
requirements, in which a person must provide a copy of material

1 under Subsection (h), which must allow the appraisal review board
2 to retain the material as part of the board's hearing record; and

3 (2) specifications for the audiovisual equipment
4 provided by an appraisal district for use by a property owner or the
5 property owner's agent under Subsection (o).

6 SECTION 2. Section 41A.061(c), Tax Code, is amended to read
7 as follows:

8 (c) The comptroller shall remove a person from the registry
9 if:

10 (1) the person fails or declines to renew the person's
11 agreement to serve as an arbitrator in the manner required by this
12 section; or

13 (2) the comptroller determines by clear and convincing
14 evidence that there is good cause to remove the person from the
15 registry, including evidence of repeated bias or misconduct by the
16 person while acting as an arbitrator.

17 SECTION 3. Section 41A.07, Tax Code, is amended by amending
18 Subsection (a) and adding Subsections (e), (f), and (g) to read as
19 follows:

20 (a) On receipt of the request and deposit under Section
21 41A.05, the comptroller shall:

22 (1) appoint an eligible arbitrator who is listed in
23 the comptroller's registry; and

24 (2) send notice to the appointed arbitrator requesting
25 the individual to conduct the hearing on the arbitration [~~send the~~
26 ~~property owner and the appraisal district a copy of the~~
27 ~~comptroller's registry of qualified arbitrators and request that~~

1 ~~the parties select an arbitrator from the registry. The~~
2 ~~comptroller may send a copy of the registry to the parties by~~
3 ~~regular mail in paper form or may send the parties written notice of~~
4 ~~the Internet address of a website at which the registry is~~
5 ~~maintained and may be accessed. The parties shall attempt to select~~
6 ~~an arbitrator from the registry].~~

7 (e) To be eligible for appointment as an arbitrator under
8 Subsection (a), the arbitrator must reside:

9 (1) in the county in which the property that is the
10 subject of the appeal is located; or

11 (2) not farther than 50 miles from any part of that
12 county if no available arbitrator on the registry resides in that
13 county.

14 (f) A person is not eligible for appointment as an
15 arbitrator under Subsection (a) if at any time during the preceding
16 five years, the person has:

17 (1) represented a person for compensation in a
18 proceeding under this title in the appraisal district in which the
19 property that is the subject of the appeal is located;

20 (2) served as an officer or employee of that appraisal
21 district; or

22 (3) served as a member of the appraisal review board
23 for that appraisal district.

24 (g) The comptroller may not appoint an arbitrator under
25 Subsection (a) if the comptroller determines that there is good
26 cause not to appoint the arbitrator, including information or
27 evidence indicating repeated bias or misconduct by the person while

1 acting as an arbitrator.

2 SECTION 4. Sections 41A.07(b) and (c), Tax Code, are
3 repealed.

4 SECTION 5. The comptroller shall adopt rules as provided by
5 Section 41.45(p), Tax Code, as added by this Act, not later than
6 January 1, 2018.

7 SECTION 6. The changes in law made by this Act to Section
8 41.45, Tax Code, apply only to a protest for which the notice of
9 protest was filed by a property owner with the appraisal review
10 board established for an appraisal district on or after January 1,
11 2018.

12 SECTION 7. The changes in law made by this Act to Section
13 41A.07, Tax Code, apply only to a request for binding arbitration
14 received by the comptroller from an appraisal district on or after
15 the effective date of this Act.

16 SECTION 8. This Act takes effect September 1, 2017.