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H.B. No. 3364

A BILL TO BE ENTITLED

AN ACT

relating to the system for appraising property for ad valorem tax purposes.

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

SECTION 1. Section 1.07(d), Tax Code, is amended to read as follows:

(d) A notice required by Section 11.43(q), 11.45(d), 23.44(d), 23.46(c) or (f), 23.54(e), 23.541(c), 23.55(e), 23.551(a), 23.57(d), 23.76(e), 23.79(d), or 23.85(d) must be sent by certified mail. A notice required by Section 25.23(c) pertaining to property that was not on the appraisal roll in a prior year because it was omitted from the roll must be sent by certified mail.

SECTION 2. Section 1.111(k), Tax Code, is amended to read as follows:

(k) On written request by the chief appraiser, an agent who electronically submits a designation of agent form shall provide the chief appraiser information concerning:

(1) the electronic signature of the person who signed the form; and

(2) the date the person signed the form [~~and~~
~~(3) the Internet Protocol address of the computer the person used to complete the form~~].

SECTION 3. Section 5.041, Tax Code, is amended by adding

1 Subsection (e-4) to read as follows:

2 (e-4) At least one trainer of the courses established under
3 Subsections (a) and (e-1) must be a taxpayer representative. An
4 individual is eligible to be a trainer who is a taxpayer
5 representative only if:

6 (1) the individual:

7 (A) resides in this state;

8 (B) is licensed to practice law in this state and
9 has practiced law in this state for at least five years; and

10 (C) has knowledge and experience in property tax
11 law; and

12 (2) the individual has not:

13 (A) represented an appraisal district, appraisal
14 review board, or taxing unit in any capacity;

15 (B) served as an officer or employee of an
16 appraisal district; or

17 (C) served as a member of an appraisal review
18 board.

19 SECTION 4. Subchapter A, Chapter 6, Tax Code, is amended by
20 adding Section 6.17 to read as follows:

21 Sec. 6.17. INTERNET WEBSITE REQUIRED FOR POPULOUS
22 DISTRICTS. An appraisal district established in a county with a
23 population of 120,000 or more shall maintain an Internet website.

24 SECTION 5. Section 25.02, Tax Code, is amended by adding
25 Subsection (a-1) to read as follows:

26 (a-1) This subsection applies only to an appraisal district
27 established in a county with a population of 120,000 or more. The

1 chief appraiser shall post on the appraisal district's Internet
2 website the district's appraisal records, other than records that
3 are confidential under law, and must update the posted records at
4 least once each week to include any change in the appraised value of
5 property.

6 SECTION 6. Section 41.45(b-1), Tax Code, as amended by
7 Chapters 965 (S.B. 1919) and 644 (H.B. 988), Acts of the 87th
8 Legislature, Regular Session, 2021, is reenacted and amended to
9 read as follows:

10 (b-1) An appraisal review board shall conduct a hearing on a
11 protest by telephone conference call or by videoconference, as
12 specified by the property owner at the owner's election, if the
13 property owner notifies the board that the property owner intends
14 to appear by telephone conference call or videoconference in the
15 owner's notice of protest or by written notice filed with the board
16 not later than the fifth [~~10th~~] day before the date of the hearing.

17 SECTION 7. Section 41.47(a), Tax Code, is amended to read as
18 follows:

19 (a) The appraisal review board hearing a protest shall
20 determine the protest and make its decision by written order. If the
21 board dismisses the protest on jurisdictional grounds, the board
22 shall make its decision by written order and shall state in the
23 order the grounds for its determination.

24 SECTION 8. Section 41.61(c), Tax Code, is amended to read as
25 follows:

26 (c) An appraisal review board may not issue a subpoena under
27 this section unless the board holds a hearing at which the board

1 determines that good cause exists for the issuance of the subpoena.
2 The appraisal review board before which a good cause hearing is
3 scheduled shall deliver written notice to the party being
4 subpoenaed and parties to the protest of the date, time, and place
5 of the hearing. The board shall deliver the notice not later than
6 the 15th [~~5th~~] day before the date of the good cause hearing. The
7 party being subpoenaed must have an opportunity to be heard at the
8 good cause hearing.

9 SECTION 9. Chapter 41A, Tax Code, is amended by adding
10 Section 41A.011 to read as follows:

11 Sec. 41A.011. RIGHT TO APPEAL BY PERSON LEASING PROPERTY.

12 (a) As an alternative to filing an appeal under Section 42.015, a
13 person leasing property who is contractually obligated to reimburse
14 the property owner for taxes imposed on the property is entitled to
15 appeal through binding arbitration under this chapter an appraisal
16 review board order determining a protest concerning the appraised
17 or market value of property if:

18 (1) the protest was brought by:

19 (A) the person under Section 41.413; or

20 (B) the property owner if the property owner does
21 not appeal the order; and

22 (2) the appraised or market value, as applicable, of
23 the property as determined by the order is \$5 million or less.

24 (b) A person appealing an order of the appraisal review
25 board under this section is considered the owner of the property for
26 purposes of the appeal. The comptroller shall deliver a copy of any
27 notice relating to the appeal to the owner of the property and to

1 the person bringing the appeal.

2 SECTION 10. Section 41A.015(a), Tax Code, is amended to
3 read as follows:

4 (a) A property owner who has filed a notice of protest under
5 Chapter 41 may file a request for limited binding arbitration under
6 this section to compel the appraisal review board or chief
7 appraiser, as appropriate, to:

8 (1) comply with the hearing procedures adopted by the
9 appraisal review board under Section 41.01(c) and rescind
10 procedural rules adopted by the appraisal review board that are not
11 in compliance with the model hearing procedures prepared by the
12 comptroller under Section 5.103;

13 (2) schedule a hearing on a protest as required by
14 Section 41.45;

15 (3) deliver information to the property owner in the
16 manner required by Section 41.461;

17 (4) allow the property owner to offer evidence,
18 examine or cross-examine witnesses or other parties, and present
19 arguments as required by Section 41.66(b);

20 (5) set a hearing for a time and date certain and
21 postpone a hearing that does not begin within two hours of the
22 scheduled time as required by Section 41.66(i);

23 (6) schedule hearings on protests concerning multiple
24 properties identified in the same notice of protest on the same day
25 at the request of the property owner or the property owner's
26 designated agent as required by Section 41.66(j); ~~[or]~~

27 (7) refrain from using or offering as evidence

1 information requested by the property owner under Section 41.461
2 that was not delivered to the property owner at least 14 days before
3 the hearing as required by Section 41.67(d); or

4 (8) for a protest on the ground of unequal appraisal of
5 property, use the appraised values of comparable properties as
6 corrected by:

7 (A) an agreement between the property owner or
8 the owner's agent and the chief appraiser; or

9 (B) a determination of the appraisal review
10 board.

11 SECTION 11. Section 42.23, Tax Code, is amended by adding
12 Subsections (i) and (j) to read as follows:

13 (i) The court may not order discovery unless the discovery
14 is requested by a party to the appeal.

15 (j) The court may not:

16 (1) impose deadlines for discovery related to an
17 expert witness, including deadlines for designating an expert
18 witness, that fall before the deadlines specified by the Texas
19 Rules of Civil Procedure; or

20 (2) otherwise accelerate discovery related to an
21 expert witness, unless agreed to by the parties.

22 SECTION 12. Section 1.111(k), Tax Code, as amended by this
23 Act, applies only to a written request for information made by a
24 chief appraiser on or after the effective date of this Act. A
25 written request for information made under that subsection before
26 the effective date of this Act is governed by the law in effect on
27 the date the request was made, and the former law is continued in

1 effect for that purpose.

2 SECTION 13. Section 5.041(e-4), Tax Code, as added by this
3 Act, applies only to a course provided under Section 5.041(a) or
4 (e-1), Tax Code, on or after January 1, 2024.

5 SECTION 14. Sections 41.45 and 41.47, Tax Code, as amended
6 by this Act, apply only to a protest under Chapter 41, Tax Code, for
7 which a notice of protest is filed by a property owner on or after
8 the effective date of this Act. A protest under Chapter 41, Tax
9 Code, for which a notice of protest is filed by a property owner
10 before the effective date of this Act was governed by the law in
11 effect on the date the notice of protest was filed, and the former
12 law is continued in effect for that purpose.

13 SECTION 15. Section 41.61(c), Tax Code, as amended by this
14 Act, applies only to a subpoena issued under that section on or
15 after the effective date of this Act. A subpoena issued under that
16 section before the effective date of this Act is governed by the law
17 in effect on the date the subpoena was issued, and the former law is
18 continued in effect for that purpose.

19 SECTION 16. Section 41A.011, Tax Code, as added by this Act,
20 and Section 41A.015(a), Tax Code, as amended by this Act, apply only
21 to a request for binding arbitration under Chapter 41A, Tax Code,
22 that is filed on or after January 1, 2024. A request for binding
23 arbitration under Chapter 41A, Tax Code, that is filed before
24 January 1, 2024, is governed by the law in effect on the date the
25 request was filed, and the former law is continued in effect for
26 that purpose.

27 SECTION 17. Section 42.23, Tax Code, as amended by this Act,

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1 applies only to an appeal filed under Chapter 42, Tax Code, on or
2 after the effective date of this Act.

3 SECTION 18. This Act takes effect September 1, 2023.