

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2492  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

A taxpayer may only sue an appraisal district under Section 42.01, Tax Code, over an order of the appraisal review board or a determination of a motion filed under Section 25.25, Tax Code. Essentially, a taxpayer is limited to legal actions over the value or other determination by the appraisal review board of their property. Currently, under section 43.01 Tax Code, a taxing unit may sue an appraisal district that appraises property for that unit to compel the appraisal district to comply with the provisions of the Tax Code, rules of the comptroller, or other applicable law. However, a taxpayer is not granted the same legal option.

Many appraisal districts knowingly and routinely violate the provisions of the Tax Code, rules of the comptroller, and other applicable laws because taxpayers may not currently bring suit for those types of violations. H.B.2492 enables taxpayers to sue appraisal districts and appraisal review boards for violating laws and rules. It also requires a taxpayer to pay \$500 into the registry of the court in order to file suit. H.B. 2492 provides that to prevail in the suit, a taxpayer would have to show that the failure to comply causes or will cause substantial economic harm to or denial of a statutory or constitutional right. If the taxpayer prevails, the court will issue an order compelling the appraisal district to comply with applicable law and requiring the recovery of costs of the prevailing party.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.01, Tax Code, as follows:

Sec. 43.01 AUTHORITY TO BRING SUIT. (a) Creates this Subsection from existing text.

(b) Authorizes a person to sue an appraisal district or appraisal review board to compel the appraisal district or appraisal review board to comply with the provisions of this title, rules of the comptroller of public accounts, or other applicable law if the failure to comply causes or will cause substantial economic harm to or denial of a statutory or constitutional right of that person. Requires a person bringing an action under this subsection to pay \$500 into the registry of the court. Requires the court to distribute that amount to the prevailing party on entry of final judgment in the action.

(c) Requires the court, if the party bringing an action under this section prevails on the merits, to enter an order compelling the appraisal district or appraisal review board to comply with the applicable law and ordering that the prevailing party recover its costs.

(d) Provides that this section applies only to a matter that may not be the subject of a motion under Section 25.25(c) or (d) (Correction of Appraisal Roll) or a protest or challenge under Chapter 41 (Local Review).

SECTION 2. Effective date: September 1, 2005.