

## **BILL ANALYSIS**

Senate Research Center

H.B. 3024  
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Engrossed

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

Currently, Texas property taxpayers may present an independent third party appraisal as evidence in an appraisal review board (ARB) hearing. However, Texas law does not lay out the credence a certified independent appraisal should be accorded in these hearings. Complaints have arisen that legitimate third party appraisals are being disregarded by ARBs in favor of the appraisal district's assessment of appraised value.

H.B. 3024 provides that when a property owner submits a properly conducted, recently completed and certified appraisal of property value in an ARB hearing, the appraisal district must provide evidence which clearly refutes the independent appraisal. If the appraisal district fails to do so, the protest is required to be determined in favor of the property owner.

In addition, the bill creates a Class B misdemeanor for a person who has a contingency interest in the outcome of a protest hearing to purposefully mislead the ARB with a written appraisal submitted in the manner authorized under this bill.

### **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 41.43, Tax Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Adds an exception as provided by Subsection (a-1).

(a-1) Provides that, if in a protest relating to a property with a market or appraised value of \$1 million or less as determined by the appraisal district the property owner files with the appraisal review board and, not later than the 14th day before the date of the first day of the hearing, delivers to the chief appraiser a copy of an appraisal of the property performed not later than the 180th day before the date of the first day of the hearing by an appraiser certified under Chapter 1103 (Real Estate Appraisers), Occupations Code, that supports the appraised or market value of the property asserted by the property owner, the appraisal district has the burden of establishing the value of the property by clear and convincing evidence presented at the hearing. Requires the protest to be determined in favor of the property owner if the appraisal district fails to meet that standard.

(a-2) Requires an appraisal filed under Subsection (a-1), to be valid, to be attested to before an officer authorized to administer oaths and include certain information.

SECTION 2. Amends Section 37.10(c), Penal Code, to provide that an offense under this section (Tampering with Governmental Record) is a Class B misdemeanor if it is shown on the trial of the offense that the governmental record is a written appraisal filed with an appraisal review board under Section 41.43(a-1), Tax Code, that was performed by a person who had contingency interest in the outcome of the appraisal review board hearing.

SECTION 3. (a) and (b) Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.