

AN ACT

relating to certain appeals of certain ad valorem tax determinations.

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

SECTION 1. Section 42.02, Tax Code, is amended to read as follows:

Sec. 42.02. RIGHT OF APPEAL BY CHIEF APPRAISER. (a) On written approval of the board of directors of the appraisal district, the chief appraiser is entitled to appeal an order of the appraisal review board determining:

(1) a taxpayer protest as provided by Subchapter C, Chapter 41, subject to Subsection (b); or

(2) a taxpayer's motion to change the appraisal roll filed under Section 25.25.

(b) Except as provided by Subsection (c), the chief appraiser may not appeal an order of the appraisal review board determining a taxpayer protest under Subsection (a)(1) if:

(1) the protest involved a determination of the appraised or market value of the taxpayer's property and that value according to the order that is the subject of the appeal is less than \$1 million; or

(2) for any other taxpayer protest, the property to which the protest applies has an appraised value according to the appraisal roll for the current year of less than \$1 million.

1 (c) On written approval of the board of directors of the
2 appraisal district, the chief appraiser may appeal an order of the
3 appraisal review board determining a taxpayer protest otherwise
4 prohibited by Subsection (b), if the chief appraiser alleges that
5 the taxpayer or a person acting on behalf of the taxpayer committed
6 fraud, made a material misrepresentation, or presented fraudulent
7 evidence in the hearing before the board. In an appeal under this
8 subsection, the court shall first consider whether the taxpayer or
9 a person acting on behalf of the taxpayer committed fraud, made a
10 material misrepresentation, or presented fraudulent evidence to
11 the appraisal review board. If the court does not find by a
12 preponderance of the evidence that the taxpayer or a person acting
13 on behalf of the taxpayer committed fraud, made a material
14 misrepresentation, or presented fraudulent evidence to the
15 appraisal review board, the court shall:

16 (1) dismiss the appeal; and

17 (2) award court costs and reasonable attorney's fees
18 to the taxpayer.

19 SECTION 2. Section 42.08, Tax Code, is amended by adding
20 Subsection (b-1) to read as follows:

21 (b-1) This subsection applies only to an appeal in which the
22 property owner elects to pay the amount of taxes described by
23 Subsection (b)(1). The appeal filed by the property owner must be
24 accompanied by a statement in writing of the amount of taxes the
25 property owner proposes to pay.

26 SECTION 3. (a) The change in law made by this Act to Section
27 42.02, Tax Code, applies only to an appeal by a chief appraiser from

1 an order of an appraisal review board that was issued on or after
2 the effective date of this Act. An appeal by a chief appraiser from
3 an order of an appraisal review board that was issued before the
4 effective date of this Act is governed by the law in effect when the
5 order of the appraisal review board was issued, and the former law
6 is continued in effect for that purpose.

7 (b) The change in law made by this Act to Section 42.08, Tax
8 Code, applies only to an appeal under Chapter 42, Tax Code, that is
9 filed on or after the effective date of this Act. An appeal under
10 Chapter 42, Tax Code, that was filed before the effective date of
11 this Act is governed by the law in effect on the date the appeal was
12 filed, and the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1680 was passed by the House on May 10, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1680 on May 25, 2007, by the following vote: Yeas 135, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1680 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor