

By: Otto

H.B. No. 2723

Substitute the following for H.B. No. 2723:

By: Hilderbran

C.S.H.B. No. 2723

A BILL TO BE ENTITLED

AN ACT

relating to the burden of establishing the value of property in certain protests to an appraisal review board.

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

SECTION 1. Section 41.43, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-3), (a-4), and (a-5) to read as follows:

(a) Except as provided by Subsections (a-1), (a-3), and (d), in a protest authorized by Section 41.41(a)(1) or (2), the appraisal district has the burden of establishing the value of the property by a preponderance of the evidence presented at the hearing. If the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner.

(a-3) In a protest authorized by Section 41.41(a)(1) or (2), the appraisal district has the burden of establishing the value of the property by clear and convincing evidence presented at the hearing if:

(1) the appraised value of the property was lowered under this subtitle in the preceding tax year;

(2) the appraised value of the property in the preceding tax year was not established as a result of a written agreement between the property owner or the owner's agent and the appraisal district under Section 1.111(e); and

(3) not later than the 14th day before the date of the

1 first day of the hearing, the property owner files with the
2 appraisal review board and delivers to the chief appraiser:

3 (A) information, such as income and expense
4 statements or information regarding comparable sales, that is
5 sufficient to allow for a determination of the appraised or market
6 value of the property if the protest is authorized by Section
7 41.41(a)(1); or

8 (B) information that is sufficient to allow for a
9 determination of whether the property was appraised unequally if
10 the protest is authorized by Section 41.41(a)(2).

11 (a-4) If the appraisal district has the burden of
12 establishing the value of property by clear and convincing evidence
13 presented at the hearing on a protest as provided by Subsection
14 (a-3) and the appraisal district fails to meet that standard, the
15 protest shall be determined in favor of the property owner.

16 (a-5) Subsection (a-3)(3) does not impose a duty on a
17 property owner to provide any information in a protest authorized
18 by Section 41.41(a)(1) or (2). That subdivision is merely a
19 condition to the applicability of the standard of evidence provided
20 by Subsection (a-3).

21 SECTION 2. The change in law made by this Act applies only
22 to a protest filed with an appraisal review board on or after the
23 effective date of this Act. A protest filed with an appraisal
24 review board before the effective date of this Act is covered by the
25 law in effect at the time the protest was filed, and the former law
26 is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2013.