

## **BILL ANALYSIS**

Senate Research Center  
77R11283 JD-F

C.S.S.B. 865  
By: Staples  
Intergovernmental Relations  
4/4/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current law, if a chief appraiser discovers that property has been erroneously omitted from the tax roll in any of the five prior years, the chief appraiser is authorized to appraise the property and add it to the appraisal roll. This means that, for the 2000 tax year, the last day that a chief appraiser can add omitted property to the appraisal roll is December 31, 2005. Current law also allows the chief appraiser or a property owner to file a motion with an appraisal review board to correct certain errors in the appraisal roll for any of the prior five years, but this must be done before the end of five years from January 1 of the tax year. This means that, for the 2000 tax year, the last day that a chief appraiser or a property owner can file a motion to correct the appraisal roll is January 1, 2005. Thus, the chief appraiser time window for adding omitted property is almost one year longer than the time window for correcting the appraisal roll. C.S.S.B. 865 changes the deadline for a property owner's motion to correct the appraisal roll to coincide with the deadline for a chief appraiser's addition of omitted property to the appraisal roll.

Also under current law, property owners or chief appraisers are authorized to file motions with the appraisal review board to correct an erroneous appraised value on the appraisal roll. The law clearly states that such a motion cannot be filed if the appraised value is the result of a written agreement between the appraisal district and the property owner or the owner's agent. However, the law is silent as to whether a motion can be filed if the appraised value is the result of a hearing on a property owner's protest and a determination of that protest by the appraisal review board. Also, the ability of a chief appraiser to change the appraised value of property for the prior five years, a value which the chief appraiser originally established, detracts from the finality that property owners seek in their property tax liability. C.S.S.B. 865 limits the authority of a chief appraiser to change the appraisal roll and clarifies that a property owner cannot file a motion with the appraisal review board to correct an erroneous appraised value on the appraisal roll if the value resulted from an appraisal review board hearing or an agreement between the appraisal district and the property owner or owner's agent.

### **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 25.25, Tax Code, by amending Subsections (c) and (d), as follows:

(c) Requires, rather than authorizes, the appraisal review board, on motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll for any of the five preceding years to correct certain errors. Deletes text regarding the board directing changes at any time before the end of five years after January 1 of a tax year.

(d) Provides that the roll may not be changed under this section given certain conditions.

SECTION 2. Provides that changes in law made by this Act to Section 25.25, Tax Code, apply only to a motion under Section 25.25, Tax Code, that is pending before an appraisal review board on the effective date of this Act or that is filed with an appraisal review board on or after that date.

SECTION 3. Effective date: upon passage or September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Amends As Filed S.B. 865,, as follows:

SECTION 1. In Section 25.25, Tax Code, omits the original proposed deletion of text regarding the chief appraiser. Makes a conforming change. Omits proposed new Subsection (n) regarding the appraisal review board considering any evidence offered by the property owner establishing that an error occurred resulting from an incorrect appraisal value in the appraisal roll.

SECTION 2. No change.

SECTION 3. No change.