

By: Stephenson

H.B. No. 283

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the selection of the chief appraiser of an appraisal
3 district; authorizing a fee.

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

5 SECTION 1. Section 1.15, Tax Code, is amended to read as
6 follows:

7 Sec. 1.15. APPRAISERS FOR TAXING UNITS PROHIBITED. A
8 taxing unit may not employ any person for the purpose of appraising
9 property for taxation purposes [~~except to the extent necessary to~~
10 ~~perform a contract under Section 6.05(b) of this code~~].

11 SECTION 2. Sections 5.041(c), (e-1), (e-3), (f), and (g),
12 Tax Code, are amended to read as follows:

13 (c) The comptroller may contract with service providers to
14 assist with the duties imposed under Subsection (a), but the course
15 required may not be provided by an appraisal district, the chief
16 appraiser of an appraisal district, an [~~or another~~] employee of an
17 appraisal district, a member of the board of directors of an
18 appraisal district, a member of an appraisal review board, or a
19 taxing unit. The comptroller may assess a fee to recover a portion
20 of the costs incurred for the training course, but the fee may not
21 exceed \$50 for each person trained. If the training is provided to
22 an individual other than a member of an appraisal review board, the
23 comptroller may assess a fee not to exceed \$50 for each person
24 trained.

1 (e-1) In addition to the course established under
2 Subsection (a), the comptroller shall approve curricula and provide
3 materials for use in a continuing education course for members of an
4 appraisal review board. The course must provide at least four
5 hours of classroom training and education. The curricula and
6 materials must include information regarding:

7 (1) the cost, income, and market data comparison
8 methods of appraising property;

9 (2) the appraisal of business personal property;

10 (3) the determination of capitalization rates for
11 property appraisal purposes;

12 (4) the duties of an appraisal review board;

13 (5) the requirements regarding the independence of an
14 appraisal review board from the board of directors, ~~and~~ the chief
15 appraiser, ~~and~~ ~~other~~ employees of the appraisal district;

16 (6) the prohibitions against ex parte communications
17 applicable to appraisal review board members;

18 (7) the Uniform Standards of Professional Appraisal
19 Practice;

20 (8) the duty of the appraisal district to substantiate
21 the district's determination of the value of property;

22 (9) the requirements regarding the equal and uniform
23 appraisal of property;

24 (10) the right of a property owner to protest the
25 appraisal of the property as provided by Chapter 41; and

26 (11) a detailed explanation of each of the actions
27 described by Sections 25.25, 41.41(a), 41.411, 41.412, 41.413,

1 41.42, and 41.43 so that members are fully aware of each of the
2 grounds on which a property appraisal can be appealed.

3 (e-3) The comptroller may contract with service providers
4 to assist with the duties imposed under Subsection (e-1), but the
5 course required by that subsection may not be provided by an
6 appraisal district, the chief appraiser of an appraisal district,
7 an [~~or another~~] employee of an appraisal district, a member of the
8 board of directors of an appraisal district, a member of an
9 appraisal review board, or a taxing unit. The comptroller may
10 assess a fee to recover a portion of the costs incurred for the
11 continuing education course, but the fee may not exceed \$50 for each
12 person trained. If the training is provided to an individual other
13 than a member of an appraisal review board, the comptroller may
14 assess a fee not to exceed \$50 for each person trained.

15 (f) The comptroller may not advise a property owner, a
16 property owner's agent, [~~or~~] the chief appraiser of an appraisal
17 district, or an [~~another~~] employee of an appraisal district on a
18 matter that the comptroller knows is the subject of a protest to the
19 appraisal review board. The comptroller may provide advice to an
20 appraisal review board member as authorized by Subsection (a)(4) of
21 this section or Section 5.103 and may communicate with the chairman
22 of an appraisal review board or a taxpayer liaison officer
23 concerning a complaint filed under Section 6.052.

24 (g) Except during a hearing or other appraisal review board
25 proceeding and as provided by Subsection (h) of this section and
26 Section 6.411(c-1), the following persons may not communicate with
27 a member of an appraisal review board about a course provided under

1 this section or any matter presented or discussed during the
2 course:

3 (1) the chief appraiser of the appraisal district for
4 which the appraisal review board is established;

5 (2) an [~~another~~] employee of the appraisal district
6 for which the appraisal review board is established;

7 (3) a member of the board of directors of the appraisal
8 district for which the appraisal review board is established;

9 (4) an officer or employee of a taxing unit that
10 participates in the appraisal district for which the appraisal
11 review board is established; and

12 (5) an attorney who represents or whose law firm
13 represents the appraisal district or a taxing unit that
14 participates in the appraisal district for which the appraisal
15 review board is established.

16 SECTION 3. Section 5.042, Tax Code, is amended by adding
17 Subsection (b-1) to read as follows:

18 (b-1) For purposes of removal under Chapter 87, Local
19 Government Code, "incompetency" in the case of a chief appraiser
20 includes the failure of the chief appraiser to complete, within the
21 period provided by Subsection (b) after the date the chief
22 appraiser is first elected or appointed, the course of training
23 required by Subsection (a).

24 SECTION 4. Section 5.043(e), Tax Code, is amended to read as
25 follows:

26 (e) The comptroller may contract with service providers to
27 assist with the duties imposed under Subsection (b), but the

1 training program may not be provided by an appraisal district, the
2 chief appraiser of an appraisal district, an [~~or another~~] employee
3 of an appraisal district, a member of the board of directors of an
4 appraisal district, a member of an appraisal review board, or a
5 taxing unit. The comptroller may assess a fee to recover a portion
6 of the costs incurred for the training program, but the fee may not
7 exceed \$50 for each person trained. If the training is provided to
8 a person other than a person who has agreed to serve as an
9 arbitrator under Chapter 41A, the comptroller may assess a fee not
10 to exceed \$50 for each person trained.

11 SECTION 5. Sections 6.035(a), (b), and (d), Tax Code, are
12 amended to read as follows:

13 (a) An individual is ineligible to serve on an appraisal
14 district board of directors or [~~and is disqualified from~~
15 ~~employment~~] as chief appraiser if the individual:

16 (1) is related within the second degree by
17 consanguinity or affinity, as determined under Chapter 573,
18 Government Code, to an individual who is engaged in the business of
19 appraising property for compensation for use in proceedings under
20 this title or of representing property owners for compensation in
21 proceedings under this title in the appraisal district; or

22 (2) owns property on which delinquent taxes have been
23 owed to a taxing unit for more than 60 days after the date the
24 individual knew or should have known of the delinquency unless:

25 (A) the delinquent taxes and any penalties and
26 interest are being paid under an installment payment agreement
27 under Section 33.02; or

1 (B) a suit to collect the delinquent taxes is
2 deferred or abated under Section 33.06 or 33.065.

3 (b) A member of an appraisal district board of directors or
4 a chief appraiser commits an offense if the board member or chief
5 appraiser continues to hold office [~~or the chief appraiser remains~~
6 ~~employed~~] knowing that an individual related within the second
7 degree by consanguinity or affinity, as determined under Chapter
8 573, Government Code, to the board member or chief appraiser is
9 engaged in the business of appraising property for compensation for
10 use in proceedings under this title or of representing property
11 owners for compensation in proceedings under this title in the
12 appraisal district in which the member or chief appraiser serves
13 [~~or the chief appraiser is employed~~]. An offense under this
14 subsection is a Class B misdemeanor.

15 (d) An appraisal performed by a chief appraiser in a private
16 capacity or by an individual related within the second degree by
17 consanguinity or affinity, as determined under Chapter 573,
18 Government Code, to the chief appraiser may not be used as evidence
19 in a protest or challenge under Chapter 41 or an appeal under
20 Chapter 42 concerning property that is taxable in the appraisal
21 district in which the chief appraiser serves [~~is employed~~].

22 SECTION 6. The heading to Section 6.05, Tax Code, is amended
23 to read as follows:

24 Sec. 6.05. APPRAISAL OFFICE; CHIEF APPRAISER.

25 SECTION 7. Sections 6.05(b), (c), and (d), Tax Code, are
26 amended to read as follows:

27 (b) The board of directors of an appraisal district may

1 contract with an appraisal office in another district [~~or with a~~
2 ~~taxing unit in the district~~] to perform the duties of the appraisal
3 office for the district.

4 (c) The chief appraiser is the chief administrator of the
5 appraisal office. The [~~Except as provided by Section 6.0501, the~~]
6 chief appraiser is elected at the general election for state and
7 county officers by the voters of the county in which the appraisal
8 district is established. The chief appraiser serves a two-year
9 term beginning January 1 of each odd-numbered year. To be eligible
10 to serve as chief appraiser, an individual must be a resident of the
11 county in which the appraisal district is established and must have
12 resided in the county for at least four years preceding the date the
13 individual takes office [~~appointed by and serves at the pleasure of~~
14 ~~the appraisal district board of directors. If a taxing unit~~
15 ~~performs the duties of the appraisal office pursuant to a contract,~~
16 ~~the assessor for the unit is the chief appraiser. To be eligible to~~
17 ~~be appointed or serve as a chief appraiser, a person must be~~
18 ~~certified as a registered professional appraiser under Section~~
19 ~~1151.160, Occupations Code, possess an MAI professional~~
20 ~~designation from the Appraisal Institute, or possess an Assessment~~
21 ~~Administration Specialist (AAS), Certified Assessment Evaluator~~
22 ~~(CAE), or Residential Evaluation Specialist (RES) professional~~
23 ~~designation from the International Association of Assessing~~
24 ~~Officers. A person who is eligible to be appointed or serve as a~~
25 ~~chief appraiser by having a professional designation described by~~
26 ~~this subsection must become certified as a registered professional~~
27 ~~appraiser under Section 1151.160, Occupations Code, not later than~~

1 ~~the fifth anniversary of the date the person is appointed or begins~~
2 ~~to serve as chief appraiser. A chief appraiser who is not eligible~~
3 ~~to be appointed or serve as chief appraiser may not perform an~~
4 ~~action authorized or required by law to be performed by a chief~~
5 ~~appraiser, including the preparation, certification, or submission~~
6 ~~of any part of the appraisal roll. Not later than January 1 of each~~
7 ~~year, a chief appraiser shall notify the comptroller in writing~~
8 ~~that the chief appraiser is either eligible to be appointed or serve~~
9 ~~as the chief appraiser or not eligible to be appointed or serve as~~
10 ~~the chief appraiser].~~

11 (d) The [~~Except as provided by Section 6.0501, the~~] chief
12 appraiser is entitled to compensation as provided by the budget
13 adopted by the board of directors. The chief appraiser's
14 compensation may not be directly or indirectly linked to an
15 increase in the total market, appraised, or taxable value of
16 property in the appraisal district. The [~~Except as provided by~~
17 ~~Section 6.0501, the~~] chief appraiser may employ and compensate
18 professional, clerical, and other personnel as provided by the
19 budget, with the exception of a general counsel to the appraisal
20 district.

21 SECTION 8. Subchapter A, Chapter 6, Tax Code, is amended by
22 adding Section 6.0502 to read as follows:

23 Sec. 6.0502. BALLOT PROCEDURES FOR CHIEF APPRAISER; FILING
24 FEE. (a) Except as provided by this section, Chapter 144, Election
25 Code, applies to a candidate for the office of chief appraiser of an
26 appraisal district.

27 (b) An application for a place on the ballot must be filed

1 with the county judge of the county in which the appraisal district
2 is established and be accompanied by a filing fee of:

3 (1) \$1,250 for a county with a population of 200,000 or
4 more; or

5 (2) \$750 for a county with a population of less than
6 200,000.

7 (c) A filing fee received under this section shall be
8 deposited in the county treasury to the credit of the county general
9 fund.

10 SECTION 9. Section 6.41, Tax Code, is amended by amending
11 Subsections (i) and (j) and adding Subsection (l) to read as
12 follows:

13 (i) This subsection applies only to an appraisal district
14 described by Subsection (d-1). The [A] chief appraiser of the
15 appraisal district, an [or another] employee or agent of the
16 appraisal district, a member of the appraisal review board for the
17 appraisal district, a member of the board of directors of the
18 appraisal district, a property tax consultant, or an agent of a
19 property owner commits an offense if the person communicates with
20 the local administrative district judge regarding the appointment
21 of appraisal review board members. This subsection does not apply
22 to:

23 (1) a communication between a member of the appraisal
24 review board and the local administrative district judge regarding
25 the member's reappointment to the board;

26 (2) a communication between the taxpayer liaison
27 officer for the appraisal district and the local administrative

1 district judge in the course of the performance of the officer's
2 clerical duties so long as the officer does not offer an opinion or
3 comment regarding the appointment of appraisal review board
4 members;

5 (3) a communication between the [a] chief appraiser of
6 the appraisal district, an [or another] employee or agent of the
7 appraisal district, a member of the appraisal review board for the
8 appraisal district, or a member of the board of directors of the
9 appraisal district and the local administrative district judge
10 regarding information relating to or described by Subsection (d-1),
11 (d-5), or (f) of this section or Section [411.1296](#), Government Code;

12 (4) a communication between a property tax consultant
13 or a property owner or an agent of the property owner and the
14 taxpayer liaison officer for the appraisal district regarding
15 information relating to or described by Subsection (f) [~~—The~~
16 ~~taxpayer liaison officer for the appraisal district shall report~~
17 ~~the contents of the communication relating to or described by~~
18 ~~Subsection (f) to the local administrative district judge]; or~~

19 (5) a communication between a property tax consultant
20 or a property owner or an agent of the property owner and the local
21 administrative district judge regarding information relating to or
22 described by Subsection (f).

23 (j) The [A] chief appraiser of an appraisal district or an
24 ~~[another]~~ employee or agent of an appraisal district commits an
25 offense if the person communicates with a member of the appraisal
26 review board for the appraisal district, a member of the board of
27 directors of the appraisal district, or, if the appraisal district

1 is an appraisal district described by Subsection (d-1), the local
2 administrative district judge regarding a ranking, scoring, or
3 reporting of the percentage by which the appraisal review board or a
4 panel of the board reduces the appraised value of property.

5 (1) The taxpayer liaison officer for an appraisal district
6 described by Subsection (d-1) shall report the contents of a
7 communication described by Subsection (i)(4) to the local
8 administrative district judge.

9 SECTION 10. Sections 6.411(a), (b), and (c-1), Tax Code,
10 are amended to read as follows:

11 (a) A member of an appraisal review board commits an offense
12 if the member communicates with the chief appraiser of, an ~~or~~
13 ~~another~~ employee of, or a member of the board of directors of the
14 appraisal district for which the appraisal review board is
15 established in violation of Section 41.66(f).

16 (b) The [A] chief appraiser of an appraisal district, an ~~or~~
17 ~~another~~ employee of an appraisal district, a member of a board of
18 directors of an appraisal district, or a property tax consultant or
19 attorney representing a party to a proceeding before the appraisal
20 review board commits an offense if the person communicates with a
21 member of the appraisal review board established for the appraisal
22 district with the intent to influence a decision by the member in
23 the member's capacity as a member of the appraisal review board.

24 (c-1) This section does not apply to communications with a
25 member of an appraisal review board by the chief appraiser of an
26 appraisal district, an ~~or another~~ employee of an appraisal
27 district, ~~or~~ a member of the board of directors of an appraisal

1 district, or a property tax consultant or attorney representing a
2 party to a proceeding before the appraisal review board:

3 (1) during a hearing on a protest or other proceeding
4 before the appraisal review board;

5 (2) that constitute social conversation;

6 (3) that are specifically limited to and involve
7 administrative, clerical, or logistical matters related to the
8 scheduling and operation of hearings, the processing of documents,
9 the issuance of orders, notices, and subpoenas, and the operation,
10 appointment, composition, or attendance at training of the
11 appraisal review board; or

12 (4) that are necessary and appropriate to enable the
13 board of directors of the appraisal district to determine whether
14 to appoint, reappoint, or remove a person as a member or the
15 chairman or secretary of the appraisal review board.

16 SECTION 11. Section 22.28(d), Tax Code, is amended to read
17 as follows:

18 (d) To help defray the costs of administering this chapter,
19 a collector who collects a penalty imposed under Subsection (a)
20 shall remit to the appraisal district of [~~that employs~~] the chief
21 appraiser who imposed the penalty an amount equal to five percent of
22 the penalty amount collected.

23 SECTION 12. Section 42.21(d), Tax Code, is amended to read
24 as follows:

25 (d) An appraisal district is served by service on the chief
26 appraiser at any time or by service on any other officer or an
27 employee of the appraisal district present at the appraisal office

1 at a time when the appraisal office is open for business with the
2 public. An appraisal review board is served by service on the
3 chairman of the appraisal review board. Citation of a party is
4 issued and served in the manner provided by law for civil suits
5 generally.

6 SECTION 13. Section 87.041(a), Local Government Code, is
7 amended to read as follows:

8 (a) The commissioners court of a county may fill a vacancy
9 in the office of:

- 10 (1) county judge;
- 11 (2) county clerk;
- 12 (3) district and county clerk;
- 13 (4) sheriff;
- 14 (5) county attorney;
- 15 (6) county treasurer;
- 16 (7) county surveyor;
- 17 (8) county tax assessor-collector;
- 18 (9) justice of the peace; [~~or~~]
- 19 (10) constable; or
- 20 (11) chief appraiser.

21 SECTION 14. Section 1151.164, Occupations Code, is amended
22 to read as follows:

23 Sec. 1151.164. CHIEF APPRAISER TRAINING PROGRAM. (a) The
24 department shall implement a training program for newly elected or
25 appointed chief appraisers and shall prescribe the curriculum for
26 the training program as provided by this section.

27 (b) The training program must provide the chief appraiser

1 [appointee] with information regarding:

2 (1) this chapter;

3 (2) the programs operated by the department;

4 (3) the role and functions of the department;

5 (4) the rules of the commission, with an emphasis on
6 the rules that relate to ethical behavior;

7 (5) the role and functions of the chief appraiser, the
8 appraisal district board of directors, and the appraisal review
9 board;

10 (6) the importance of maintaining the independence of
11 an appraisal office from political pressure;

12 (7) the importance of prompt and courteous treatment
13 of the public;

14 (8) the finance and budgeting requirements for an
15 appraisal district, including appropriate controls to ensure that
16 expenditures are proper; and

17 (9) the requirements of:

18 (A) the open meetings law, Chapter 551,
19 Government Code;

20 (B) the public information law, Chapter 552,
21 Government Code;

22 (C) the administrative procedure law, Chapter
23 2001, Government Code;

24 (D) other laws relating to public officials,
25 including conflict-of-interest laws; and

26 (E) the standards of ethics imposed by the
27 Uniform Standards of Professional Appraisal Practice.

1 SECTION 15. Sections 5.042(c) and 6.0501, Tax Code, are
2 repealed.

3 SECTION 16. The first election required by Section 6.05(c),
4 Tax Code, as amended by this Act, shall be held to fill the term of
5 office of the chief appraiser that begins January 1, 2023. The
6 change in law made by this Act to Section 6.05, Tax Code, does not
7 affect the appointment by an appraisal district board of directors
8 of a person to serve as chief appraiser before the effective date of
9 this Act, and that person continues to serve at the pleasure of the
10 appraisal district board of directors as provided by the former law
11 until removed by the board of directors or until the person elected
12 to that position for the term that begins January 1, 2023, has
13 qualified for office. A vacancy in the office of chief appraiser
14 that occurs on or after the effective date of this Act is filled by
15 appointment by the commissioners court, as provided by Section
16 87.041(a), Local Government Code, as amended by this Act.

17 SECTION 17. This Act takes effect September 1, 2021.