

By: Metcalf

H.B. No. 1166

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. Section 6.41, Tax Code, is amended by amending  
22 Subsections (i) and (j) and adding Subsection (l) to read as  
23 follows:

24 (i) This subsection applies only to an appraisal district  
25 described by Subsection (d-1). The [~~A~~] chief appraiser of the  
26 appraisal district, an [~~or another~~] employee or agent of the  
27 appraisal district, a member of the appraisal review board for the

1 appraisal district, a member of the board of directors of the  
2 appraisal district, a property tax consultant, or an agent of a  
3 property owner commits an offense if the person communicates with  
4 the local administrative district judge regarding the appointment  
5 of appraisal review board members. This subsection does not apply  
6 to:

7 (1) a communication between a member of the appraisal  
8 review board and the local administrative district judge regarding  
9 the member's reappointment to the board;

10 (2) a communication between the taxpayer liaison  
11 officer for the appraisal district and the local administrative  
12 district judge in the course of the performance of the officer's  
13 clerical duties so long as the officer does not offer an opinion or  
14 comment regarding the appointment of appraisal review board  
15 members;

16 (3) a communication between the [a] chief appraiser of  
17 the appraisal district, an [or another] employee or agent of the  
18 appraisal district, a member of the appraisal review board for the  
19 appraisal district, or a member of the board of directors of the  
20 appraisal district and the local administrative district judge  
21 regarding information relating to or described by Subsection (d-1),  
22 (d-5), or (f) of this section or Section [411.1296](#), Government Code;

23 (4) a communication between a property tax consultant  
24 or a property owner or an agent of the property owner and the  
25 taxpayer liaison officer for the appraisal district regarding  
26 information relating to or described by Subsection (f) [~~—The~~  
27 ~~taxpayer liaison officer for the appraisal district shall report~~

1 ~~the contents of the communication relating to or described by~~  
2 ~~Subsection (f) to the local administrative district judge]; or~~

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

7 (j) The [A] chief appraiser of an appraisal district or an  
8 ~~[another]~~ employee or agent of an appraisal district commits an  
9 offense if the person communicates with a member of the appraisal  
10 review board for the appraisal district, a member of the board of  
11 directors of the appraisal district, or, if the appraisal district  
12 is an appraisal district described by Subsection (d-1), the local  
13 administrative district judge regarding a ranking, scoring, or  
14 reporting of the percentage by which the appraisal review board or a  
15 panel of the board reduces the appraised value of property.

16 (l) The taxpayer liaison officer for an appraisal district  
17 shall report the contents of a communication described by  
18 Subsection (i)(4) to the local administrative district judge.

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

21 (a) A member of an appraisal review board commits an offense  
22 if the member communicates with the chief appraiser of, an ~~[or~~  
23 ~~another]~~ employee of, or a member of the board of directors of the  
24 appraisal district for which the appraisal review board is  
25 established in violation of Section 41.66(f).

26 (b) The [A] chief appraiser of an appraisal district, an ~~[or~~  
27 ~~another]~~ employee of an appraisal district, a member of a board of

1 directors of an appraisal district, or a property tax consultant or  
2 attorney representing a party to a proceeding before the appraisal  
3 review board commits an offense if the person communicates with a  
4 member of the appraisal review board established for the appraisal  
5 district with the intent to influence a decision by the member in  
6 the member's capacity as a member of the appraisal review board.

7 (c-1) This section does not apply to communications with a  
8 member of an appraisal review board by the chief appraiser of an  
9 appraisal district, an [~~or another~~] employee of an appraisal  
10 district, [~~or~~] a member of the board of directors of an appraisal  
11 district, or a property tax consultant or attorney representing a  
12 party to a proceeding before the appraisal review board:

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

15 (2) that constitute social conversation;

16 (3) that are specifically limited to and involve  
17 administrative, clerical, or logistical matters related to the  
18 scheduling and operation of hearings, the processing of documents,  
19 the issuance of orders, notices, and subpoenas, and the operation,  
20 appointment, composition, or attendance at training of the  
21 appraisal review board; or

22 (4) that are necessary and appropriate to enable the  
23 board of directors of the appraisal district to determine whether  
24 to appoint, reappoint, or remove a person as a member or the  
25 chairman or secretary of the appraisal review board.

26 SECTION 10. Section 22.28(d), Tax Code, is amended to read  
27 as follows:

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

6 SECTION 11. Section 42.21(d), Tax Code, is amended to read  
7 as follows:

8 (d) An appraisal district is served by service on the chief  
9 appraiser at any time or by service on any other officer or an  
10 employee of the appraisal district present at the appraisal office  
11 at a time when the appraisal office is open for business with the  
12 public. An appraisal review board is served by service on the  
13 chairman of the appraisal review board. Citation of a party is  
14 issued and served in the manner provided by law for civil suits  
15 generally.

16 SECTION 12. Section 172.024(a), Election Code, is amended  
17 to read as follows:

18 (a) The filing fee for a candidate for nomination in the  
19 general primary election is as follows:

- 20 (1) United States senator . . . . . \$5,000
- 21 (2) office elected statewide, except United States  
22 senator . . . . . 3,750
- 23 (3) United States representative . . . . . 3,125
- 24 (4) state senator . . . . . 1,250
- 25 (5) state representative . . . . . 750
- 26 (6) member, State Board of Education . . . . . 300
- 27 (7) chief justice or justice, court of appeals, other

- 1 than a justice specified by Subdivision (8) . . . . .1,875
- 2           (8) chief justice or justice of a court of appeals that
- 3 serves a court of appeals district in which a county with a
- 4 population of more than one million is wholly or partly
- 5 situated . . . . .2,500
- 6           (9) district judge or judge specified by Section
- 7 52.092(d) for which this schedule does not otherwise prescribe a
- 8 fee . . . . .1,500
- 9           (10) district or criminal district judge of a court in
- 10 a judicial district wholly contained in a county with a population
- 11 of more than 1.5 million . . . . .2,500
- 12           (11) judge, statutory county court, other than a judge
- 13 specified by Subdivision (12) . . . . .1,500
- 14           (12) judge of a statutory county court in a county with
- 15 a population of more than 1.5 million . . . . .2,500
- 16           (13) district attorney, criminal district attorney,
- 17 or county attorney performing the duties of a district
- 18 attorney . . . . .1,250
- 19           (14) county commissioner, district clerk, county
- 20 clerk, sheriff, county tax assessor-collector, county treasurer,
- 21 or judge, constitutional county court:
- 22                   (A) county with a population of 200,000 or
- 23 more . . . . .1,250
- 24                   (B) county with a population of under
- 25 200,000 . . . . .750
- 26           (15) justice of the peace or constable:
- 27                   (A) county with a population of 200,000 or

1 more . . . . .1,000

2 (B) county with a population of under

3 200,000 . . . . .375

4 (16) county surveyor . . . . . 75

5 (17) office of the county government for which this

6 schedule does not otherwise prescribe a fee . . . . .750

7 (18) chief appraiser of an appraisal district:

8 (A) county with a population of 200,000 or

9 more . . . . .1,250

10 (B) county with a population of under

11 200,000 . . . . .750

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

14 (a) The commissioners court of a county may fill a vacancy  
15 in the office of:

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

27 SECTION 14. Section 1151.164, Occupations Code, is amended

1 to read as follows:

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

6           (b) The training program must provide the chief appraiser  
7 [~~appointee~~] with information regarding:

8                   (1) this chapter;

9                   (2) the programs operated by the department;

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

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

13                  (5) the role and functions of the chief appraiser, the  
14 appraisal district board of directors, and the appraisal review  
15 board;

16                  (6) the importance of maintaining the independence of  
17 an appraisal office from political pressure;

18                  (7) the importance of prompt and courteous treatment  
19 of the public;

20                  (8) the finance and budgeting requirements for an  
21 appraisal district, including appropriate controls to ensure that  
22 expenditures are proper; and

23                  (9) the requirements of:

24                           (A) the open meetings law, Chapter [551](#),  
25 Government Code;

26                           (B) the public information law, Chapter [552](#),  
27 Government Code;

1 (C) the administrative procedure law, Chapter  
2 2001, Government Code;

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

5 (E) the standards of ethics imposed by the  
6 Uniform Standards of Professional Appraisal Practice.

7 SECTION 15. Sections 5.042(c) and 6.0501, Tax Code, are  
8 repealed.

9 SECTION 16. (a) Chief appraisers shall be elected as  
10 provided by Section 6.05, Tax Code, as amended by this Act,  
11 beginning with the primary and general elections conducted in 2022.  
12 Chief appraisers then elected take office January 1, 2023.

13 (b) The change in the manner of selection of chief  
14 appraisers made by this Act does not affect the selection of a chief  
15 appraiser who is appointed by the appraisal district board of  
16 directors before January 1, 2022, and that person continues to  
17 serve at the pleasure of the board of directors as provided by the  
18 former law until removed by the board of directors or until the  
19 person elected as chief appraiser for the term that begins January  
20 1, 2023, has qualified for office.

21 SECTION 17. The change in law made by this Act to Section  
22 6.41(j), Tax Code, does not apply to an offense committed under that  
23 subsection before January 1, 2023. An offense committed before  
24 January 1, 2023, is governed by Section 6.41(j), Tax Code, as that  
25 section existed on the date the offense was committed, and the  
26 former law is continued in effect for that purpose. For purposes of  
27 this section, an offense was committed before January 1, 2023, if

1 any element of the offense occurred before that date.

2 SECTION 18. (a) Except as otherwise provided by this  
3 section, this Act takes effect January 1, 2023.

4 (b) This section and Sections 12 and 16 of this Act take  
5 effect September 1, 2021.