

By: Metcalf

H.B. No. 1167

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the selection and administration of an appraisal review
3 board; authorizing a fee.

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

5 SECTION 1. Section 5.103(b), Tax Code, is amended to read as
6 follows:

7 (b) The model hearing procedures shall address:

- 8 (1) the statutory duties of an appraisal review board;
9 (2) the process for conducting a hearing;
10 (3) the scheduling of hearings;
11 (4) the postponement of hearings;
12 (5) the notices required under this title;
13 (6) the determination of good cause under Section
14 41.44(b);
15 (7) the determination of good cause under Sections
16 41.45(e) and (e-1);
17 (8) a party's right to offer evidence and argument;
18 (9) a party's right to examine or cross-examine
19 witnesses or other parties;
20 (10) a party's right to appear by an agent;
21 (11) the prohibition of an appraisal review board's
22 consideration of information not provided at a hearing;
23 (12) ex parte and other prohibited communications;
24 (13) the exclusion of evidence at a hearing as

1 required by Section 41.67(d);

2 (14) the postponement of a hearing as required by
3 Section 41.66(h);

4 (15) conflicts of interest; and

5 (16) ~~[the process for the administration of~~
6 ~~applications for membership on an appraisal review board; and~~

7 ~~[(17)]~~ any other matter related to fair and efficient
8 appraisal review board hearings.

9 SECTION 2. Sections 6.41(a), (b), (c), (d), (e), (f), (j),
10 and (k), Tax Code, are amended to read as follows:

11 (a) An ~~[The]~~ appraisal review board is established for each
12 appraisal district.

13 (b) The ~~[Except as provided by Subsection (b-1) or (b-2),~~
14 ~~an]~~ appraisal review board consists of five ~~[three]~~ members elected
15 at the general election for state and county officers. One member
16 is elected from each of the four commissioners precincts in the
17 county in which the appraisal district is established and one
18 member is elected at large from the county. The members serve
19 two-year terms beginning on January 1 of odd-numbered years.

20 (c) To be eligible to serve on the board, an individual
21 must:

22 (1) be a resident of:

23 (A) the commissioners precinct from which the
24 member is elected, in the case of a member elected from a
25 commissioners precinct; or

26 (B) the county in which the appraisal district is
27 established, in the case of a member elected at large; [district]

1 and

2 (2) [~~must~~] have resided in the county [~~district~~] for
3 at least two years.

4 (d) [~~Except as provided by Subsection (d-1), members of the~~
5 ~~board are appointed by resolution of a majority of the appraisal~~
6 ~~district board of directors.~~] A vacancy on the board is filled by
7 appointment by the commissioners court of the county in which the
8 appraisal district is established [~~in the same manner~~] for the
9 unexpired portion of the term. An individual appointed to fill a
10 vacancy on the board must meet the qualifications of the vacated
11 position.

12 (e) If as a result of a change in the boundaries of a
13 commissioners precinct an individual serving as a member no longer
14 resides in the precinct from which the office is elected, the
15 individual is not for that reason disqualified from office during
16 the remainder of the term of office being served at the time the
17 boundary change takes effect. If as a result of a change in the
18 boundaries of a commissioners precinct an individual elected as a
19 member before the boundary change to a term that begins after the
20 boundary change no longer resides in the precinct from which
21 elected, the individual is not for that reason disqualified from
22 serving the term to which elected. [~~Members of the board hold~~
23 ~~office for terms of two years beginning January 1. The appraisal~~
24 ~~district board of directors by resolution shall provide for~~
25 ~~staggered terms, so that the terms of as close to one-half of the~~
26 ~~members as possible expire each year. In making the initial or~~
27 ~~subsequent appointments, the board of directors or the local~~

1 ~~administrative district judge or the judge's designee shall~~
2 ~~designate those members who serve terms of one year as needed to~~
3 ~~comply with this subsection.]~~

4 (f) For purposes of Chapter 87, Local Government Code,
5 grounds [~~A member of the board may be removed from the board by a~~
6 ~~majority vote of the appraisal district board of directors, or by~~
7 ~~the local administrative district judge or the judge's designee, as~~
8 ~~applicable, that appointed the member. Grounds]~~ for removal of a
9 member of an appraisal review board include [~~are~~]:

10 (1) a violation of Section 6.412, 6.413, 41.66(f), or
11 41.69;

12 (2) good cause relating to the attendance of members
13 at called meetings of the board as established by written policy
14 adopted by a majority of the appraisal district board of directors;
15 [~~or~~]

16 (3) evidence of repeated bias or misconduct; or

17 (4) failure to complete a course required by Section
18 5.041.

19 (j) A chief appraiser or another employee or agent of an
20 appraisal district commits an offense if the person communicates
21 with a member of the appraisal review board for the appraisal
22 district or [~~or~~] a member of the board of directors of the appraisal
23 district [~~or, if the appraisal district is an appraisal district~~
24 ~~described by Subsection (d-1), the local administrative district~~
25 ~~judge]~~ regarding a ranking, scoring, or reporting of the percentage
26 by which the appraisal review board or a panel of the board reduces
27 the appraised value of property.

1 (k) An offense under Subsection [~~(i) or~~] (j) is a Class A
2 misdemeanor.

3 SECTION 3. Section 6.411(c-1), Tax Code, is amended to read
4 as follows:

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

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

13 (2) that constitute social conversation;

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

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

25 SECTION 4. Section 6.412(d), Tax Code, is amended to read as
26 follows:

27 (d) A person is ineligible to serve on the appraisal review

1 board of an appraisal district established in [~~for~~] a county with a
2 population of 120,000 or more [~~described by Section 6.41(d-1)~~] if
3 the person:

4 (1) is a former member of the board of directors,
5 former officer, or former employee of the appraisal district;

6 (2) served as a member of the governing body or officer
7 of a taxing unit for which the appraisal district appraises
8 property, until the fourth anniversary of the date the person
9 ceased to be a member or officer;

10 (3) appeared before the appraisal review board for
11 compensation during the two-year period preceding the date the
12 person is elected or appointed; or

13 (4) served for all or part of four [~~three~~] previous
14 terms as a board member or auxiliary board member on the appraisal
15 review board.

16 SECTION 5. Section 6.413(a), Tax Code, is amended to read as
17 follows:

18 (a) An individual is not eligible to be elected or appointed
19 to or to serve on the appraisal review board established for an
20 appraisal district if the individual or a business entity in which
21 the individual has a substantial interest is a party to a contract
22 with the appraisal district or with a taxing unit that participates
23 in the appraisal district.

24 SECTION 6. Section 6.414, Tax Code, is amended by amending
25 Subsections (a), (b), and (f) and adding Subsection (a-1) to read as
26 follows:

27 (a) An [~~The board of directors of an~~] appraisal review board

1 ~~[district]~~ by resolution of a majority of the members may provide
2 for a number of auxiliary appraisal review board members that the
3 board considers appropriate to hear taxpayer protests before the
4 appraisal review board and to assist the board in performing its
5 duties.

6 (a-1) This subsection applies only to the appraisal review
7 board of an appraisal district established in a county with a
8 population of one million or more. If the appraisal review board
9 appoints auxiliary board members under this section, the appraisal
10 review board shall appoint an adequate number of qualified
11 individuals as auxiliary board members to permit the chairman of
12 the appraisal review board to fill the positions on each special
13 panel established under Section 6.425.

14 (b) An auxiliary board member is appointed to a two-year
15 term by resolution of a majority of the ~~[in the same manner and for~~
16 ~~the same term as an]~~ appraisal review board members. An auxiliary
17 board member ~~[under Section 6.41 and]~~ is subject to the same
18 eligibility requirements and restrictions as a board member under
19 Sections 6.41, 6.411, 6.412, and 6.413. A vacancy among the
20 auxiliary board members is filled in the same manner as the original
21 appointment to the appraisal review board.

22 (f) An auxiliary board member is entitled to compensation
23 and ~~[as provided by the appraisal district budget and is not~~
24 ~~entitled to a per diem or]~~ reimbursement of expenses as provided by
25 ~~[under]~~ Section 6.42(c).

26 SECTION 7. Section 6.42(a), Tax Code, is amended to read as
27 follows:

1 (a) A majority of the appraisal review board constitutes a
2 quorum. The board by resolution [~~local administrative district~~
3 ~~judge under Subchapter D, Chapter 74, Government Code, in the~~
4 ~~county in which the appraisal district is established~~] shall select
5 a chairman and a secretary from among the board's members [~~of the~~
6 ~~appraisal review board~~]. The board [~~judge~~] is encouraged to select
7 as chairman a member of the [~~appraisal review~~] board, if any, who
8 has a background in law and property appraisal.

9 SECTION 8. Sections 6.425(a) and (e), Tax Code, are amended
10 to read as follows:

11 (a) This section applies only to the appraisal review board
12 for an appraisal district established in a county with a population
13 of one million or more [~~described by Section 6.41(b-2)~~].

14 (e) Notwithstanding Subsection (d), the chairman of the
15 appraisal review board may appoint to a special panel described by
16 this section a member of the appraisal review board who does not
17 meet the qualifications prescribed by that subsection if:

18 (1) the number of board members [~~persons appointed to~~
19 ~~the board by the local administrative district judge~~] who meet
20 those qualifications is not sufficient to fill the positions on
21 each special panel; and

22 (2) the board member being appointed to the panel
23 holds a bachelor's degree in any field.

24 SECTION 9. Section 25.19(b-3), Tax Code, is amended to read
25 as follows:

26 (b-3) This subsection applies only to an appraisal district
27 established in a county with a population of one million or more

1 [~~described by Section 6.41(b-2)~~]. In addition to the information
2 required by Subsection (b), the chief appraiser shall state in a
3 notice of appraised value of property described by Section 6.425(b)
4 that the property owner has the right to have a protest relating to
5 the property heard by a special panel of the appraisal review board.

6 SECTION 10. Section 41.45(d), Tax Code, is amended to read
7 as follows:

8 (d) This subsection does not apply to a special panel
9 established under Section 6.425. An appraisal review board
10 [~~consisting of more than three members~~] may sit in panels of not
11 fewer than three members to conduct protest hearings. If the
12 recommendation of a panel is not accepted by the board, the board
13 may refer the matter for rehearing to a panel composed of members
14 who did not hear the original protest or, if there are not at least
15 three members who did not hear the original protest, the board may
16 determine the protest.

17 SECTION 11. Section 41.66(g), Tax Code, is amended to read
18 as follows:

19 (g) At the beginning of a hearing on a protest, each member
20 of the appraisal review board hearing the protest must sign an
21 affidavit stating that the board member has not communicated with
22 another person in violation of Subsection (f). If a board member
23 has communicated with another person in violation of Subsection
24 (f), the member must be recused from the proceeding and may not
25 hear, deliberate on, or vote on the determination of the protest.
26 The appraisal review board [~~of directors of the appraisal district~~]
27 shall adopt and implement a policy concerning the temporary

1 replacement of an appraisal review board member who has
2 communicated with another person in violation of Subsection (f).

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

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

- 7 (1) United States senator \$5,000
- 8 (2) office elected statewide, except United States
9 senator 3,750
- 10 (3) United States representative 3,125
- 11 (4) state senator 1,250
- 12 (5) state representative 750
- 13 (6) member, State Board of Education 300
- 14 (7) chief justice or justice, court of appeals, other
15 than a justice specified by Subdivision (8) 1,875
- 16 (8) chief justice or justice of a court of appeals that
17 serves a court of appeals district in which a county with a
18 population of more than one million is wholly or partly
19 situated 2,500
- 20 (9) district judge or judge specified by Section
21 52.092(d) for which this schedule does not otherwise prescribe a
22 fee 1,500
- 23 (10) district or criminal district judge of a court in
24 a judicial district wholly contained in a county with a population
25 of more than 1.5 million 2,500
- 26 (11) judge, statutory county court, other than a judge
27 specified by Subdivision (12) 1,500

1 (12) judge of a statutory county court in a county with
2 a population of more than 1.5 million2,500

3 (13) district attorney, criminal district attorney,
4 or county attorney performing the duties of a district
5 attorney1,250

6 (14) county commissioner, district clerk, county
7 clerk, sheriff, county tax assessor-collector, county treasurer,
8 or judge, constitutional county court:

9 (A) county with a population of 200,000 or
10 more1,250

11 (B) county with a population of under
12 200,000750

13 (15) justice of the peace or constable:

14 (A) county with a population of 200,000 or
15 more1,000

16 (B) county with a population of under
17 200,000375

18 (16) county surveyor 75

19 (17) office of the county government for which this
20 schedule does not otherwise prescribe a fee750

21 (18) appraisal review board member:

22 (A) county with a population of 200,000 or
23 more1,250

24 (B) county with a population of under
25 200,000750

26 SECTION 13. The following provisions of the Tax Code are
27 repealed:

1 (1) Section 6.052(f); and

2 (2) Sections 6.41(b-1), (b-2), (d-1), (d-2), (d-3),
3 (d-4), (d-5), (d-6), (d-7), (d-8), (d-9), (d-10), and (i).

4 SECTION 14. (a) Appraisal review board members shall be
5 elected under Section 6.41, Tax Code, as amended by this Act,
6 beginning with the primary and general elections conducted in 2022.
7 Members then elected take office January 1, 2023.

8 (b) The change in the manner of selection of appraisal
9 review board members made by Section 6.41, Tax Code, as amended by
10 this Act, does not affect the selection of members who serve on the
11 board before January 1, 2023.

12 (c) The term of an appraisal review board member serving on
13 December 31, 2022, expires on January 1, 2023.

14 (d) Auxiliary members may be appointed under Section 6.414,
15 Tax Code, as amended by this Act, by the elected appraisal review
16 board members on or after January 1, 2023.

17 (e) The change in the manner of selection of auxiliary
18 members made by Section 6.414, Tax Code, as amended by this Act,
19 does not affect the selection of auxiliary members who serve before
20 January 1, 2023.

21 (f) The term of an auxiliary member serving on December 31,
22 2022, expires on January 1, 2023.

23 SECTION 15. The repeal by this Act of Section 6.41(i), Tax
24 Code, and the change in law made by this Act to Section 6.41(j), Tax
25 Code, do not apply to an offense committed under either of those
26 subsections before January 1, 2023. An offense committed before
27 January 1, 2023, is governed by the applicable subsection as it

1 existed on the date the offense was committed, and the former law is
2 continued in effect for that purpose. For purposes of this section,
3 an offense was committed before January 1, 2023, if any element of
4 the offense occurred before that date.

5 SECTION 16. (a) Except as otherwise provided by this
6 section, this Act takes effect January 1, 2023.

7 (b) This section and Sections 12 and 14 of this Act take
8 effect September 1, 2021.