

By: Campos

H.B. No. 4680

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 or distance training and education. The
6 curricula and 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. Section 6.05, Tax Code, is amended by amending
26 Subsections (b), (c), and (d) and adding Subsection (c-1) to read as
27 follows:

1 (b) The board of directors of an appraisal district may
2 contract with an appraisal office in another district [~~or with a~~
3 ~~taxing unit in the district~~] to perform the duties of the appraisal
4 office for the district.

5 (c) The chief appraiser is the chief administrator of the
6 appraisal office. The [~~Except as provided by Section 6.0501, the~~]
7 chief appraiser is elected at the general election for state and
8 county officers by the voters of the county in which the appraisal
9 district is established. The chief appraiser serves a two-year
10 term beginning January 1 of each odd-numbered year. To be eligible
11 to serve as chief appraiser, an individual must:

12 (1) be a resident of the county in which the appraisal
13 district is established;

14 (2) have resided in the county for at least four years
15 preceding the date the individual takes office; and

16 (3) [~~appointed by and serves at the pleasure of the~~
17 ~~appraisal district board of directors. If a taxing unit performs~~
18 ~~the duties of the appraisal office pursuant to a contract, the~~
19 ~~assessor for the unit is the chief appraiser. To be eligible to be~~
20 ~~appointed or serve as a chief appraiser, a person must] be certified~~

21 as a registered professional appraiser under Section 1151.160,
22 Occupations Code, possess an MAI professional designation from the
23 Appraisal Institute, or possess an Assessment Administration
24 Specialist (AAS), Certified Assessment Evaluator (CAE), or
25 Residential Evaluation Specialist (RES) professional designation
26 from the International Association of Assessing Officers.

27 (c-1) A person who is eligible to [~~be appointed or~~] serve as

1 a chief appraiser by having a professional designation described by
2 Subsection (c) [~~this subsection~~] must become certified as a
3 registered professional appraiser under Section 1151.160,
4 Occupations Code, not later than the first [~~fifth~~] anniversary of
5 the date the person [~~is appointed or~~] begins to serve as chief
6 appraiser. A chief appraiser who is not eligible to [~~be appointed~~
7 ~~or~~] serve as chief appraiser may not perform an action authorized or
8 required by law to be performed by a chief appraiser, including the
9 preparation, certification, or submission of any part of the
10 appraisal roll. Not later than January 1 of each year, a chief
11 appraiser shall notify the comptroller in writing that the chief
12 appraiser is either eligible to [~~be appointed or~~] serve as the chief
13 appraiser or not eligible to [~~be appointed or~~] serve as the chief
14 appraiser.

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

25 SECTION 8. The heading to Section 6.0501, Tax Code, is
26 amended to read as follows:

27 Sec. 6.0501. VACANCY; APPOINTMENT OF ELIGIBLE CHIEF

1 APPRAISER BY COMPTROLLER.

2 SECTION 9. Section 6.0501(a), Tax Code, is amended to read
3 as follows:

4 (a) If a vacancy occurs in the position of chief appraiser
5 or the elected chief appraiser of an appraisal district is
6 ineligible to serve, the [~~The~~] comptroller shall appoint a person
7 eligible to be a chief appraiser under Section 6.05(c) or a person
8 who has previously been appointed or served as a chief appraiser to
9 perform the duties of chief appraiser for the remainder of the
10 unexpired term of the previous [~~an appraisal district whose~~] chief
11 appraiser [~~is ineligible to serve~~].

12 SECTION 10. Section 6.052(g), Tax Code, is amended to read
13 as follows:

14 (g) Notwithstanding any other provision of this chapter, a
15 taxpayer liaison officer does not commit an offense under this
16 chapter if the officer communicates with the chief appraiser of the
17 appraisal district, an [~~or another~~] employee or agent of the
18 appraisal district, a member of the appraisal review board
19 established for the appraisal district, a member of the board of
20 directors of the appraisal district, a property tax consultant, a
21 property owner, an agent of a property owner, or another person if
22 the communication is made in the good faith exercise of the
23 officer's statutory duties.

24 SECTION 11. Section 6.155(a), Tax Code, is amended to read
25 as follows:

26 (a) A member of the governing body, officer, or employee of
27 a taxing unit commits an offense if the person directly or

1 indirectly communicates with the chief appraiser or an [~~another~~]
2 employee of the appraisal district in which the taxing unit
3 participates for the purpose of influencing the value at which
4 property in the district is appraised unless the person owns or
5 leases the property that is the subject of the communication.

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

9 (i) The [~~A~~] chief appraiser of the appraisal district, an
10 [~~or another~~] employee or agent of the appraisal district, a member
11 of the appraisal review board for the appraisal district, a member
12 of the board of directors of the appraisal district, a property tax
13 consultant, or an agent of a property owner commits an offense if
14 the person communicates with the local administrative district
15 judge regarding the appointment of appraisal review board
16 members. This subsection does not apply to:

17 (1) a communication between a member of the appraisal
18 review board and the local administrative district judge regarding
19 the member's reappointment to the board;

20 (2) a communication between the taxpayer liaison
21 officer for the appraisal district and the local administrative
22 district judge in the course of the performance of the officer's
23 clerical duties so long as the officer does not offer an opinion or
24 comment regarding the appointment of appraisal review board
25 members;

26 (3) a communication between the [~~a~~] chief appraiser of
27 the appraisal district, an [~~or another~~] employee or agent of the

1 appraisal district, a member of the appraisal review board for the
2 appraisal district, or a member of the board of directors of the
3 appraisal district and the local administrative district judge
4 regarding information relating to or described by Subsection (d-1),
5 (d-5), or (f) of this section or Section 411.1296, Government Code;

6 (4) a communication between a property tax consultant
7 or a property owner or an agent of the property owner and the
8 taxpayer liaison officer for the appraisal district regarding
9 information relating to or described by Subsection (f) [~~—The~~
10 ~~taxpayer liaison officer for the appraisal district shall report~~
11 ~~the contents of the communication relating to or described by~~
12 ~~Subsection (f) to the local administrative district judge~~]; or

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

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

25 (1) The taxpayer liaison officer for an appraisal district
26 shall report the contents of a communication described by
27 Subsection (i)(4) to the local administrative district judge.

1 SECTION 13. Sections 6.411(a), (b), and (c-1), Tax Code,
2 are amended to read as follows:

3 (a) A member of an appraisal review board commits an offense
4 if the member communicates with the chief appraiser of, an [~~or~~
5 ~~another~~] employee of, or a member of the board of directors of the
6 appraisal district for which the appraisal review board is
7 established in violation of Section 41.66(f).

8 (b) The [~~A~~] chief appraiser of an appraisal district, an [~~or~~
9 ~~another~~] employee of an appraisal district, a member of a board of
10 directors of an appraisal district, or a property tax consultant or
11 attorney representing a party to a proceeding before the appraisal
12 review board commits an offense if the person communicates with a
13 member of the appraisal review board established for the appraisal
14 district with the intent to influence a decision by the member in
15 the member's capacity as a member of the appraisal review board.

16 (c-1) This section does not apply to communications with a
17 member of an appraisal review board by the chief appraiser of an
18 appraisal district, an [~~or another~~] employee of an appraisal
19 district, [~~or~~] a member of the board of directors of an appraisal
20 district, or a property tax consultant or attorney representing a
21 party to a proceeding before the appraisal review board:

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

24 (2) that constitute social conversation;

25 (3) that are specifically limited to and involve
26 administrative, clerical, or logistical matters related to the
27 scheduling and operation of hearings, the processing of documents,

1 the issuance of orders, notices, and subpoenas, and the operation,
2 appointment, composition, or attendance at training of the
3 appraisal review board; or

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

8 SECTION 14. Section 22.28(d), Tax Code, is amended to read
9 as follows:

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

15 SECTION 15. Section 42.21(d), Tax Code, is amended to read
16 as follows:

17 (d) An appraisal district is served by service on the chief
18 appraiser at any time or by service on any other officer or an
19 employee of the appraisal district present at the appraisal office
20 at a time when the appraisal office is open for business with the
21 public. An appraisal review board is served by service on the
22 chairman of the appraisal review board. Citation of a party is
23 issued and served in the manner provided by law for civil suits
24 generally.

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

27 (a) The filing fee for a candidate for nomination in the

1 general primary election is as follows:

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

1 (14) county commissioner, district clerk, county
2 clerk, sheriff, county tax assessor-collector, county treasurer,
3 or judge, constitutional county court:

4 (A) county with a population of 200,000 or
5 more1,250

6 (B) county with a population of under
7 200,000750

8 (15) justice of the peace or constable:

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

11 (B) county with a population of under
12 200,000375

13 (16) county surveyor 75

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

16 (18) chief appraiser of an appraisal district:

17 (A) county with a population of 200,000 or
18 more1,250

19 (B) county with a population of under
20 200,000750

21 SECTION 17. 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 18. Sections 5.042(c) and 6.0501(b), (c), and (d),
2 Tax Code, are repealed.

3 SECTION 19. (a) Chief appraisers shall be elected as
4 provided by Section 6.05, Tax Code, as amended by this Act,
5 beginning with the primary and general elections conducted in 2024.
6 Chief appraisers then elected take office January 1, 2025.

7 (b) The change in the manner of selection of chief
8 appraisers made by this Act does not affect the selection of a chief
9 appraiser who is appointed by the appraisal district board of
10 directors before January 1, 2024, and that person continues to
11 serve at the pleasure of the board of directors as provided by the
12 former law until removed by the board of directors or until the
13 person elected as chief appraiser for the term that begins January
14 1, 2025, has qualified for office.

15 SECTION 20. (a) Except as otherwise provided by this
16 section, this Act takes effect January 1, 2025.

17 (b) This section and Sections 16 and 19 of this Act take
18 effect September 1, 2023.