

## **BILL ANALYSIS**

H.B. 1088  
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Ways & Means  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Until recently, members of the appraisal review board for each appraisal district were appointed in each county by the district's board of directors. The Texas Legislature then enacted legislation providing that in certain counties, the local administrative district judge would make the appointments. The change in the appointment method has been smooth and successful in those counties, leading to recommendations that the legislature change the process so that all appraisal review board members are appointed by the local administrative district judge. Recently, board members in some counties have filed for unemployment benefits related to their board service. Claims have been filed both by sitting board members who claimed to be unemployed for periods between hearings and by former members whose service on the board had ended. While these claims have not been upheld, appraisal districts have had to expend considerable effort in appealing the initial determinations, and questions have arisen concerning citizenship of board members. Current law requires only that they be residents of the county and does not specifically address removal of a board member for failure to attend panel hearings.

H.B. 1088 provides for the appointment of appraisal review board members by the local administrative district judge for the county, who may directly appoint board members or use a commission to select them. The bill also provides that service on a board is not considered employment for the purposes of the unemployment compensation laws, requires a person to be a United States citizen as well as a county resident to serve on the board, establishes noncitizenship and nonattendance at hearings as grounds for removal, and gives the local administrative district judge access to criminal background information that is available to an appraisal district.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1088 amends the Tax Code to require a member of an appraisal review board to be a United States citizen. The bill changes the appointing authority for appraisal review board members from a resolution of a majority of the appraisal district board of directors to the local administrative district judge in the county in which the appraisal district is established. The bill removes the mechanism for removal of an appraisal review board member by a majority vote of the appraisal district board of directors and specifies that ineligibility in general, in addition to a violation of statutory restrictions on eligibility or other specified violations, and cause relating to attendance at called hearings are grounds for removal. The bill provides for the joint appointment of members of a consolidated appraisal review board operating under an interlocal contract by the local administrative district judges in the counties in which the appraisal districts that are parties to the contract are established and clarifies that service on a board does not constitute employment for the purposes of receiving unemployment compensation.

H.B. 1088 amends the Government Code to entitle a local administrative district judge appointing appraisal review board members to obtain from the Department of Public Safety criminal history record information that relates to an applicant for appointment to the appraisal district's appraisal review board. The bill requires the local administrative district judge or the judge's designee in each county, as soon as practicable on or after January 1, 2012, to appoint the members of the appraisal review board for the appraisal district established in the county and to designate those members who serve terms of one year as necessary to comply with the bill's provisions. The bill provides that the changes made to provisions of law relating to appraisal review board members apply only to the appointment of members to terms beginning on or after January 1, 2012, and that the bill's provisions do not affect the term of a member serving on December 31, 2011, if the member was appointed before the bill's effective date to a term that began before December 31, 2011, and expires December 31, 2012.

H.B. 1088 repeals Section 6.41(d-1), Tax Code, and makes related conforming changes.

**EFFECTIVE DATE**

January 1, 2012.