

By: Metcalf

H.B. No. 299

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b) The model hearing procedures shall address:

- (1) the statutory duties of an appraisal review board;
- (2) the process for conducting a hearing;
- (3) the scheduling of hearings;
- (4) the postponement of hearings;
- (5) the notices required under this title;
- (6) the determination of good cause under Section 41.44(b);
- (7) the determination of good cause under Sections 41.45(e) and (e-1);
- (8) a party's right to offer evidence and argument;
- (9) a party's right to examine or cross-examine witnesses or other parties;
- (10) a party's right to appear by an agent;
- (11) the prohibition of an appraisal review board's consideration of information not provided at a hearing;
- (12) ex parte and other prohibited communications;
- (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 board consists of five [~~three~~] members elected at
14 the general election for state and county officers. One member is
15 elected from each of the four commissioners precincts in the county
16 in which the appraisal district is established and one member is
17 elected at large from the county. The members serve two-year terms
18 beginning on January 1 of odd-numbered years. [~~However, the~~
19 ~~district board of directors by resolution of a majority of its~~
20 ~~members may increase the size of the appraisal review board to the~~
21 ~~number of members the board of directors considers appropriate.]~~

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

24 (1) be a resident of:

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

1 (B) the county for which the appraisal district
2 is established, in the case of a member elected at large; [district]
3 and

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

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

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

1 ~~members as possible expire each year. In making the initial or~~
2 ~~subsequent appointments, the board of directors or the local~~
3 ~~administrative district judge or the judge's designee shall~~
4 ~~designate those members who serve terms of one year as needed to~~
5 ~~comply with this subsection.]~~

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

12 (1) a violation of Section 6.412, 6.413, [41.66\(f\)](#), or
13 41.69;

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

18 (3) clear and convincing evidence of repeated bias or
19 misconduct; or

20 (4) failure to complete a course required by Section
21 5.041.

22 (j) A chief appraiser or another employee or agent of an
23 appraisal district commits an offense if the person communicates
24 with a member of the appraisal review board for the appraisal
25 district or [~~or~~] a member of the board of directors of the appraisal
26 district [~~or, if the appraisal district is an appraisal district~~
27 ~~described by Subsection (d-1), the local administrative district~~

1 ~~judge~~] regarding a ranking, scoring, or reporting of the percentage
2 by which the appraisal review board or a panel of the board reduces
3 the appraised value of property.

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

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

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

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

16 (2) that constitute social conversation;

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

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

1 SECTION 4. Section 6.412(e), Tax Code, is amended to read as
2 follows:

3 (e) A person who has served for all or part of four [~~three~~]
4 consecutive terms as a board member on an appraisal review board is
5 ineligible to serve on the appraisal review board during a term that
6 begins on the next January 1 following the fourth [~~third~~] of those
7 consecutive terms.

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

10 (a) An individual is not eligible to be elected or appointed
11 to or to serve on the appraisal review board established for an
12 appraisal district if the individual or a business entity in which
13 the individual has a substantial interest is a party to a contract
14 with the appraisal district or with a taxing unit that participates
15 in the appraisal district.

16 SECTION 6. Sections 6.414(a), (b), and (f), Tax Code, are
17 amended to read as follows:

18 (a) An [~~The board of directors of an~~] appraisal review board
19 [~~district~~] by resolution of a majority of the members may provide
20 for a number of auxiliary appraisal review board members that the
21 board considers appropriate to hear taxpayer protests before the
22 appraisal review board and to assist the board in performing its
23 duties.

24 (b) An auxiliary board member is appointed to a two-year
25 term by resolution of a majority of the [~~in the same manner and for~~
26 ~~the same term as an~~] appraisal review board members. An auxiliary
27 board member [~~under Section 6.41 and~~] is subject to the same

1 eligibility requirements and restrictions as a board member under
2 Sections 6.41, 6.411, 6.412, and 6.413. A vacancy among the
3 auxiliary board members is filled in the same manner as the original
4 appointment to the appraisal review board.

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

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

11 (a) A majority of the appraisal review board constitutes a
12 quorum. The board ~~[of directors of the appraisal district]~~ by
13 resolution shall select a chairman and a secretary from among the
14 board's ~~[the]~~ members ~~[of the appraisal review board]~~. The board
15 ~~[of directors of the appraisal district]~~ is encouraged to select as
16 chairman ~~[of the appraisal review board]~~ a member of the ~~[appraisal~~
17 ~~review]~~ board, if any, who has a background in law and property
18 appraisal.

19 SECTION 8. Section 41.66(g), Tax Code, is amended to read as
20 follows:

21 (g) At the beginning of a hearing on a protest, each member
22 of the appraisal review board hearing the protest must sign an
23 affidavit stating that the board member has not communicated with
24 another person in violation of Subsection (f). If a board member
25 has communicated with another person in violation of Subsection
26 (f), the member must be recused from the proceeding and may not
27 hear, deliberate on, or vote on the determination of the protest.

1 The appraisal review board [~~of directors of the appraisal district~~]
2 shall adopt and implement a policy concerning the temporary
3 replacement of an appraisal review board member who has
4 communicated with another person in violation of Subsection (f).

5 SECTION 9. Section 172.024(a), Election Code, is amended to
6 read as follows:

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

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

1	(11) judge, statutory county court, other than a judge	
2	specified by Subdivision (12)	1,500
3	(12) judge of a statutory county court in a county with	
4	a population of more than 1.5 million	2,500
5	(13) district attorney, criminal district attorney,	
6	or county attorney performing the duties of a district	
7	attorney	1,250
8	(14) county commissioner, district clerk, county	
9	clerk, sheriff, county tax assessor-collector, county treasurer,	
10	or judge, constitutional county court:	
11	(A) county with a population of 200,000 or	
12	more	1,250
13	(B) county with a population of under	
14	200,000	750
15	(15) justice of the peace or constable:	
16	(A) county with a population of 200,000 or	
17	more	1,000
18	(B) county with a population of under	
19	200,000	375
20	(16) county surveyor	75
21	(17) office of the county government for which this	
22	schedule does not otherwise prescribe a fee	750
23	<u>(18) appraisal review board member:</u>	
24	<u>(A) county with a population of 200,000 or</u>	
25	<u>more</u>	<u>1,250</u>
26	<u>(B) county with a population of under</u>	
27	<u>200,000</u>	<u>750</u>

1 SECTION 10. The following provisions of the Tax Code are
2 repealed:

3 (1) Section 6.052(f); and

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

6 SECTION 11. (a) Appraisal review board members shall be
7 elected under Section 6.41, Tax Code, as amended by this Act,
8 beginning with the primary and general elections conducted in 2018.
9 Members then elected take office January 1, 2019.

10 (b) The change in the manner of selection of appraisal
11 review board members made by Section 6.41, Tax Code, as amended by
12 this Act, does not affect the selection of members who serve on the
13 board before January 1, 2019.

14 (c) The term of an appraisal review board member serving on
15 December 31, 2018, expires on January 1, 2019.

16 (d) Auxiliary members may be appointed under Section 6.414,
17 Tax Code, as amended by this Act, by the elected appraisal review
18 board members on or after January 1, 2019.

19 (e) The change in the manner of selection of auxiliary
20 members made by Section 6.414, Tax Code, as amended by this Act,
21 does not affect the selection of auxiliary members who serve before
22 January 1, 2019.

23 (f) The term of an auxiliary member serving on December 31,
24 2018, expires on January 1, 2019.

25 SECTION 12. The repeal by this Act of Section 6.41(i), Tax
26 Code, and the change in law made by this Act to Section 6.41(j), Tax
27 Code, do not apply to an offense committed under either of those

1 subsections before January 1, 2019. An offense committed before
2 January 1, 2019, is governed by the applicable subsection as it
3 existed on the date the offense was committed, and the former law is
4 continued in effect for that purpose. For purposes of this section,
5 an offense was committed before January 1, 2019, if any element of
6 the offense occurred before that date.

7 SECTION 13. (a) Except as otherwise provided by this
8 section, this Act takes effect January 1, 2019.

9 (b) This section and Sections 9 and 11 of this Act take
10 effect December 1, 2017.