By:  Wray, Toth (Senate Sponsor - Hughes) H.B. No. 2179

(In the Senate - Received from the House April 3, 2019; April 4, 2019, read first time and referred to Committee on Property Tax; May 17, 2019, reported favorably by the following vote: Yeas 4, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Bettencourt     X

Paxton          X

Creighton       X

Hancock                   X

Hinojosa        X

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for imposing certain sanctions on certain persons for engaging in certain conduct in connection with the appointment of members of or the functions of appraisal review boards.

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

SECTION 1.  Sections 6.41(f) and (i), Tax Code, are amended to read as follows:

(f)  A member of the board may be removed from the board by a majority vote of the appraisal district board of directors, or by the local administrative district judge or the judge's designee, as applicable, that appointed the member. Grounds for removal are:

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

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

(3)  [~~clear and convincing~~] evidence of repeated bias or misconduct.

(i)  This subsection applies only to an appraisal district described by Subsection (d-1). A chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, a member of the board of directors of the appraisal district, a property tax consultant, or an agent of a property owner commits an offense if the person communicates with the local administrative district judge regarding the appointment of appraisal review board members. This subsection does not apply to:

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

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

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

(4)  a communication between a property tax consultant or a property owner or an agent of the property owner and the taxpayer liaison officer for the appraisal district regarding information relating to or described by Subsection (f). The taxpayer liaison officer for the appraisal district shall report the contents of the communication relating to or described by Subsection (f) to the local administrative district judge; or

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

SECTION 2.  (a) Section 6.41(f), Tax Code, as amended by this Act, applies only to a proceeding to remove an appraisal review board member that begins on or after the effective date of this Act. A proceeding to remove an appraisal review board member that began before the effective date of this Act is governed by that subsection as it existed on the date the proceeding to remove the board member began, and the former law is continued in effect for that purpose.

(b)  The change in law made by this Act to Section 6.41(i), Tax Code, applies only to an offense committed under that subsection before, on, or after the effective date of this Act, except that a final conviction for an offense committed under that subsection before the effective date of this Act is unaffected by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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