By:  Creighton S.B. No. 1987

(In the Senate - Filed March 7, 2019; March 19, 2019, read first time and referred to Committee on Property Tax; May 3, 2019, reported favorably by the following vote: Yeas 5, Nays 0; May 3, 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 selection and administration of an appraisal review board in certain counties; authorizing a fee.

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

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

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

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

(2)  that constitute social conversation;

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

(4)  that are necessary and appropriate to enable the board of directors of the appraisal district, or the appraisal review board if elected under Section 6.44, to determine whether to appoint, reappoint, or remove a person as a member or the chairman or secretary of the appraisal review board.

SECTION 2.  Section 6.413(a), Tax Code, is amended to read as follows:

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

SECTION 3.  Section 6.414, Tax Code, is amended by adding Subsection (h) to read as follows:

(h)  This subsection applies only to an appraisal review board elected under Section 6.44. Notwithstanding Subsections (a) and (b), the appraisal review board by resolution of a majority of the members may provide for a number of auxiliary appraisal review board members that the board considers appropriate to hear taxpayer protests before the appraisal review board and to assist the board in performing its duties. The appraisal review board shall prepare a list of names of potential auxiliary board members who meet the qualifications for appointment as an auxiliary board member and submit the list to the commissioners court of the county in which the appraisal district is established. An auxiliary board member is appointed by the commissioners court of the county in which the appraisal district is established from the list of potential members provided by the appraisal review board and is subject to the same eligibility requirements and restrictions as a board member under Sections 6.41, 6.411, 6.412, and 6.413. An auxiliary board member is appointed for a two-year term. A vacancy among the auxiliary board members is filled in the same manner as the original appointment to the appraisal review board.

SECTION 4.  Subchapter C, Chapter 6, Tax Code, is amended by adding Section 6.44 to read as follows:

Sec. 6.44.  APPRAISAL REVIEW BOARD ELECTION AND PROCEDURES IN CERTAIN COUNTIES. (a)  This section applies only to a county that:

(1)  has a population of more than 400,000; and

(2)  is adjacent to a county with a population of more than 3.3 million and no other counties with a population of more than 300,000.

(b)  An appraisal review board is established for an appraisal district in a county described by Subsection (a). Section 6.41 does not apply to an appraisal review board established under this section.

(c)  The board consists of three members elected by the voters of the county at the general election for state and county officers. The members serve two-year terms beginning January 1 of odd-numbered years.

(d)  To be eligible to serve on the board, an individual must be a resident of the county and must have resided in the county for at least two years before the date of the individual's election or appointment.

(e)  A vacancy on the appraisal review board is filled by appointment by resolution of a majority of the appraisal district board of directors.

(f)  For purposes of Chapter 87, Local Government Code, grounds for removal of a member of an appraisal review board include:

(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;

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

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

(g)  Section 6.412(e) does not apply to an appraisal review board member elected under this section.

(h)  Notwithstanding Section 6.42(a), the appraisal review board by resolution shall select a chairman and a secretary from among the board's members. The board is encouraged to select as chairman a member of the board, if any, who has a background in law and property appraisal.

SECTION 5.  Subchapter C, Chapter 6, Tax Code, is amended by adding Section 6.45 to read as follows:

Sec. 6.45.  BALLOT PROCEDURES FOR APPRAISAL REVIEW BOARD MEMBER; FILING FEE. (a)  This section applies only to an appraisal review board member required to be elected under Section 6.44.

(b)  Except as provided by this section, Chapter 144, Election Code, applies to a candidate for the office of member of the appraisal review board of an appraisal district.

(c)  An application for a place on the ballot must be filed with the county judge of the county for which the appraisal district is established and be accompanied by a filing fee of $250.

(d)  A candidate's name may appear on the ballot only as an independent candidate.

(e)  A filing fee received under this section shall be deposited in the county treasury to the credit of the county general fund.

SECTION 6.  Section 41.66(g), Tax Code, is amended to read as follows:

(g)  At the beginning of a hearing on a protest, each member of the appraisal review board hearing the protest must sign an affidavit stating that the board member has not communicated with another person in violation of Subsection (f). If a board member has communicated with another person in violation of Subsection (f), the member must be recused from the proceeding and may not hear, deliberate on, or vote on the determination of the protest. The board of directors of the appraisal district shall adopt and implement a policy concerning the temporary replacement of an appraisal review board member who has communicated with another person in violation of Subsection (f), except that an appraisal review board elected under Section 6.44 shall adopt and implement its own policy instead of the board of directors of the appraisal district.

SECTION 7.  (a) Appraisal review board members shall be elected under Section 6.44, Tax Code, as added by this Act, beginning with the general election conducted in 2020. Members then elected take office January 1, 2021.

(b)  The change in the manner of selection of appraisal review board members made by Section 6.44, Tax Code, as added by this Act, does not affect the selection of members who serve on the board before January 1, 2021.

(c)  The term of an appraisal review board member in an appraisal district established for a county described by Section 6.44, Tax Code, as added by this Act, serving on December 31, 2020, expires on January 1, 2021.

(d)  Auxiliary members may be appointed under Section 6.414(h), Tax Code, as added by this Act, by a commissioners court on or after January 1, 2021.

(e)  The change in the manner of selection of auxiliary members made by Section 6.414(h), Tax Code, as added by this Act, does not affect the selection of auxiliary members who serve before January 1, 2021.

(f)  The term of an auxiliary member in an appraisal district established for a county described by Section 6.44, Tax Code, as added by this Act, serving on December 31, 2020, expires on January 1, 2021.

SECTION 8.  (a)  Except as otherwise provided by this section, this Act takes effect January 1, 2021.

(b)  This section and the sections of this Act adding Section 6.45, Tax Code, and providing for the initial election of appraisal board members under Section 6.44, Tax Code, as added by this Act, take effect January 1, 2020.

\* \* \* \* \*