

By: Metcalf

H.B. No. 1486

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 2020.  
9 Members then elected take office January 1, 2021.

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, 2021.

14 (c) The term of an appraisal review board member serving on  
15 December 31, 2020, expires on January 1, 2021.

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, 2021.

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, 2021.

23 (f) The term of an auxiliary member serving on December 31,  
24 2020, expires on January 1, 2021.

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, 2021. An offense committed before  
2 January 1, 2021, 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, 2021, 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, 2021.

9 (b) This section and Sections 9 and 11 of this Act take  
10 effect September 1, 2019.