

SENATE AMENDMENTS

2nd Printing

By: Metcalf, Toth, et al.

H.B. No. 1228

A BILL TO BE ENTITLED

AN ACT

relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.

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

SECTION 1. Section 25.195, Tax Code, is amended by adding Subsections (a-1) and (c-1) and amending Subsections (d) and (e) to read as follows:

(a-1) On request by a property owner or the designated agent of an owner, a chief appraiser shall provide electronically or by mail at the address designated by the property owner or agent a copy of the records, supporting data, schedules, and other material and information the owner or agent is entitled to inspect and copy under Subsection (a). A chief appraiser may not impose a fee for providing a copy of records, supporting data, schedules, or other material or information under this subsection.

(c-1) On request by a property owner or the designated agent of an owner, a private appraisal firm shall provide electronically or by mail at the address designated by the property owner or agent a copy of the information the owner or agent is entitled to inspect and copy under Subsection (c). A private appraisal firm may not impose a fee for providing a copy of information under this subsection.

(d) The appraisal firm shall make information covered by

1 Subsection (c) available for inspection and copying by the owner or
2 agent or provide the information as required by Subsection (c-1),
3 as applicable, not later than the 15th day after the date the owner
4 or agent delivers a written request to inspect or receive a copy of
5 the information, unless the owner or agent agrees in writing to a
6 later date.

7 (e) If an owner or agent states under oath in a document
8 filed with an appraisal review board in connection with a
9 proceeding initiated under Section 25.25 or Chapter 41 that the
10 applicable appraisal firm has not complied with a request for
11 inspection or copying under Subsection (c) or a request to receive a
12 copy of information under Subsection (c-1) related to the property
13 that is the subject of the proceeding, the board may not conduct a
14 hearing on the merits of any claim relating to that property and may
15 not approve the appraisal records relating to that property until
16 the board determines in a hearing that:

17 (1) the appraisal firm has made the information
18 available for inspection and copying as required by Subsection (c)
19 or has provided the information as required by Subsection (c-1), as
20 applicable; or

21 (2) the owner or agent has withdrawn the motion or
22 protest that initiated the proceeding.

23 SECTION 2. This Act takes effect January 1, 2024.

ADOPTED

MAY 23 2023

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 1228 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 25.195(a-1),
3 Tax Code (page 1, line 28), between "agent" and "a", insert ", as
4 applicable and in accordance with Section 1.085,".

5 (2) In SECTION 1 of the bill, in added Section 25.195(c-1),
6 Tax Code (page 1, line 36), immediately following "agent", add ", as
7 applicable and in accordance with Section 1.085,".

8 (3) Add the following appropriately numbered SECTIONS to
9 the bill and renumber the subsequent SECTIONS of the bill
10 accordingly:

11 SECTION _____. Section 1.07(a), Tax Code, is amended to read
12 as follows:

13 (a) An official or agency required by this title to deliver
14 a notice to a property owner may deliver the notice by regular
15 first-class mail, with postage prepaid, unless this section or
16 another provision of this title requires or authorizes a different
17 method of delivery [~~or the parties agree that the notice must be~~
18 ~~delivered as provided by Section 1.085 or 1.086~~].

19 SECTION _____. The heading to Section 1.085, Tax Code, is
20 amended to read as follows:

21 Sec. 1.085. ELECTRONIC DELIVERY OF COMMUNICATION [~~IN~~
22 ~~ELECTRONIC FORMAT~~].

23 SECTION _____. Section 1.085, Tax Code, is amended by
24 amending Subsections (a), (d), (e), (f), (i), and (j) and adding
25 Subsections (a-1), (a-2), (a-3), (a-4), (a-5), (a-6), (d-1), and
26 (n) to read as follows:

27 (a) In this section:

28 (1) "Communication" means a notice, rendition,
29 application form, completed application, report, filing,

1 statement, appraisal review board order, bill, or other item of
2 information required or permitted to be delivered under a provision
3 of this title.

4 (2) "Tax official" means:

5 (A) a chief appraiser, an appraisal district, an
6 appraisal review board, an assessor, a collector, or a taxing unit;
7 or

8 (B) a person designated by a person listed in
9 Paragraph (A) to perform a function on behalf of that person.

10 (a-1) Notwithstanding any other provision in this title, a
11 communication [and except as provided by this section, any notice,
12 rendition, application form, or completed application, or
13 information requested under Section 41.461(a)(2),] that is
14 required or permitted by this title to be delivered between a tax
15 official [chief appraiser, an appraisal district, an appraisal
16 review board, or any combination of those persons] and a property
17 owner or a person designated by a property owner under Section
18 1.111(f) shall [may] be delivered electronically [in an electronic
19 format] if the property owner or person designated by the owner
20 elects to exchange communications with the tax official
21 electronically under Subsection (a-2) of [chief appraiser and the
22 property owner or person designated by the owner agree under] this
23 section.

24 (a-2) A tax official shall:

25 (1) establish a procedure that allows a property owner
26 or a person designated by a property owner under Section 1.111(f) to
27 make the election described by Subsection (a-1) of this section;
28 and

29 (2) for electronic communications between the
30 official and a property owner or the person designated by the owner
31 who elects under Subsection (a-1) to exchange communications with

1 the official electronically, specify:

2 (A) the manner in which communications will be
3 exchanged; and

4 (B) the method that will be used to confirm the
5 delivery of communications.

6 (a-3) An election described by Subsection (a-1) of this
7 section by a property owner or a person designated by a property
8 owner under Section 1.111(f) must be made in writing on a form
9 prescribed by the comptroller for that purpose and remains in
10 effect until rescinded in writing by the property owner or person
11 designated by the owner.

12 (a-4) A tax official may not charge a fee to accept a
13 communication delivered electronically to the official.

14 (a-5) A tax official may require a property owner or a
15 person designated by a property owner under Section 1.111(f) who
16 elects to exchange communications electronically to provide:

17 (1) an e-mail address; and

18 (2) other information necessary for the exchange of
19 communications.

20 (a-6) A tax official shall prominently display the
21 information necessary for proper electronic delivery of
22 communications to the official:

23 (1) on the official's Internet website, if applicable;
24 and

25 (2) if the official is a chief appraiser, in any notice
26 of appraised value delivered by the official under Section 25.19.

27 (d) The electronic [Unless otherwise provided by an
28 agreement, the] delivery of any communication by a tax official to a
29 property owner or a person designated by a property owner under
30 Section 1.111(f) [information in an electronic format] is effective
31 on delivery [receipt] by the tax official [a chief appraiser, an

1 ~~appraisal district, an appraisal review board, a property owner, or~~
2 ~~a person designated by a property owner. An agreement entered into~~
3 ~~under this section remains in effect until rescinded in writing by~~
4 ~~the property owner or person designated by the owner].~~

5 (d-1) The electronic delivery of a communication by a
6 property owner or a person designated by a property owner under
7 Section 1.111(f) to a tax official is timely if the communication
8 is:

9 (1) addressed to the correct delivery portal or
10 electronic delivery system; and

11 (2) received by the tax official's server on or before
12 the date on which the communication is due.

13 (e) The comptroller by rule~~+~~
14 ~~[(1)]~~ shall prescribe acceptable media, formats,
15 content, and methods for the electronic delivery of communications
16 under this section and adopt guidelines for the implementation of
17 this section by tax officials ~~[transmission of notices required by~~
18 ~~Section 25.19, and~~

19 ~~[(2) may prescribe acceptable media, formats,~~
20 ~~content, and methods for the electronic transmission of other~~
21 ~~notices, renditions, and applications].~~

22 (f) A tax official ~~[In an agreement entered into under this~~
23 ~~section, a chief appraiser]~~ may select the medium, format, content,
24 and method to be used by the tax official and a property owner or a
25 person designated by a property owner under Section 1.111(f) to
26 exchange communications electronically ~~[appraisal district]~~ from
27 among those prescribed by the comptroller under Subsection (e). ~~[If~~
28 ~~the comptroller has not prescribed the media, format, content, and~~
29 ~~method applicable to the communication, the chief appraiser may~~
30 ~~determine the medium, format, content, and method to be used.]~~

31 (i) A property owner or a person designated by the property

1 owner under Section 1.111(f) who elects to exchange communications
2 electronically with a tax official [~~enters into an agreement~~] under
3 this section and who [~~that~~] has not [~~been~~] rescinded the election
4 shall notify the tax official [~~appraisal district~~] of a change in
5 the e-mail [~~electronic mail~~] address provided by the property owner
6 or person designated by the owner [~~specified in the agreement~~]
7 before the first April 1 that occurs following the change. If
8 notification is not received by the tax official [~~appraisal~~
9 ~~district~~] before that date, until notification is received, any
10 communications [~~notices~~] delivered electronically [~~under the~~
11 ~~agreement~~] to the property owner or person designated by the owner
12 are considered to be timely delivered.

13 (j) An electronic signature that is included in any
14 communication delivered electronically under this section is
15 [~~notice, rendition, application form, or completed application~~
16 ~~subject to an agreement under this section and that is required by~~
17 ~~Chapters 11, 22, 23, 24, 25, 26, and 41 shall be~~] considered to be a
18 digital signature for purposes of Section 2054.060, Government
19 Code, and that section applies to the electronic signature.

20 (n) A tax official shall acknowledge the receipt of a
21 communication delivered electronically to the official by a
22 property owner or a person designated by the property owner under
23 Section 1.111(f).

24 SECTION _____. Section 25.192(d), Tax Code, is amended to
25 read as follows:

26 (d) The [~~If a property owner has elected to receive notices~~
27 ~~by e-mail as provided by Section 1.086, the~~] notice required by this
28 section must be sent [~~in that manner~~] separately from any other
29 notice sent to the property owner by the chief appraiser.

30 SECTION _____. Section 25.193(b), Tax Code, is amended to
31 read as follows:

1 (b) The [~~If a property owner has elected to receive notices~~
2 ~~by e-mail as provided by Section 1.086, the~~] notice required by this
3 section must be sent [~~in that manner~~] regardless of whether the
4 information was also included in a notice under Section 25.19 and
5 must be sent separately from any other notice sent to the property
6 owner by the chief appraiser.

7 SECTION _____. Section 41.461(c), Tax Code, is amended to
8 read as follows:

9 (c) A chief appraiser shall deliver information requested
10 by a property owner or the agent of the owner under Subsection
11 (a)(2):

12 (1) by regular first-class mail, deposited in the
13 United States mail, postage prepaid, and addressed to the property
14 owner or agent at the address provided in the request for the
15 information;

16 (2) electronically, if the property owner or agent of
17 the owner has elected to receive electronic communications from the
18 chief appraiser [~~in an electronic format as provided by an~~
19 ~~agreement~~] under Section 1.085; or

20 (3) subject to Subsection (d), by referring the
21 property owner or the agent of the owner to a secure Internet
22 website with user registration and authentication or to the exact
23 Internet location or uniform resource locator (URL) address on an
24 Internet website maintained by the appraisal district on which the
25 requested information is identifiable and readily available.

26 SECTION _____. Section 41.47(d), Tax Code, is amended to
27 read as follows:

28 (d) The board shall deliver electronically, if the property
29 owner or agent of the owner has elected to receive electronic
30 communications under Section 1.085, or by certified mail:

31 (1) a notice of issuance of the order and a copy of the

1 order to the property owner and the chief appraiser; and

2 (2) a copy of the appraisal review board survey
3 prepared under Section 5.104 and instructions for completing and
4 submitting the survey to the property owner.

5 SECTION _____. The following provisions of the Tax Code are
6 repealed:

7 (1) Sections 1.085(b), (c), (g), (h), (k), (l), and
8 (m);

9 (2) Section 1.086;

10 (3) Section 41.46(e); and

11 (4) Section 41.47(d-1).

12 SECTION _____. The changes in law made by this Act apply only
13 to a tax year that begins on or after the effective date of this
14 Act.

15 SECTION _____. (a) A tax official of an appraisal district
16 established in a county with a population of 120,000 or more or of a
17 taxing unit located wholly or primarily in such an appraisal
18 district shall comply with Section 1.085, Tax Code, as amended by
19 this Act, beginning with the 2024 tax year.

20 (b) A tax official of an appraisal district established in a
21 county with a population of less than 120,000 or of a taxing unit
22 located wholly or primarily in such an appraisal district shall
23 comply with Section 1.085, Tax Code, as amended by this Act,
24 beginning with the 2025 tax year.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 24, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1228 by Metcalf (Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend Section 1.07 of the Tax Code, relating to the delivery of notice, to make electronic communications available by selection of the property owner, rather than by mutual agreement between the owner and local tax officials. The bill would define "communication" as a notice, rendition, application form, completed application, report, filing, statement, appraisal review board order, bill, or other item of information required or permitted under the law. The bill would require a tax official to establish a procedure to allow a property owner or a property owner's representative to make the election for electronic delivery. The bill would require the election be made in writing on a form prescribed by the Comptroller. In addition to prescribing acceptable media, formats, content, and methods for electronic communications by Comptroller rule, the bill requires the Comptroller to adopt guidelines for tax officials to implement the electronic delivery of communications.

The bill would amend Chapter 25 of the Tax Code, relating to Local Appraisal to require a chief appraiser, at the request of a property owner or property owner's agent, to provide without a fee, electronically or by mail, a copy of the records, supporting data, schedules, and other material and information the owner or agent is entitled to under existing law. The bill would require a private appraisal firm to provide electronically or by mail and without a fee, all information pertaining to the property that the firm considered in appraising the property, including information showing each method of appraisal used to determine the value of the property and all calculations, personal notes, correspondence, and working papers used in appraising the property with respect to property appraised by the firm under contract with the district.

Provisions of the bill relating to electronic delivery of communication would take effect January 1, 2024 and apply to the 2024 tax year for appraisal districts in counties with a population of 120,000 or more and in tax year 2025 for appraisal districts in counties with populations less than 120,000. Otherwise, the bill would take effect January 1, 2024.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JMc, AF, BRI, KK, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1228 by Metcalf (Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.),
As Engrossed

No fiscal implication to the State is anticipated.

The bill would amend Chapter 25 of the Tax Code, relating to Local Appraisal to require a chief appraiser, at the request of a property owner or property owner's agent, to provide without a fee, electronically or by mail, a copy of the records, supporting data, schedules, and other material and information the owner or agent is entitled to under existing law. The bill would require a private appraisal firm to provide electronically or by mail and without a fee, all information pertaining to the property that the firm considered in appraising the property, including information showing each method of appraisal used to determine the value of the property and all calculations, personal notes, correspondence, and working papers used in appraising the property with respect to property appraised by the firm under contract with the district.

The bill would take effect January 1, 2024.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JMc, AF, KK, SD, BRI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 10, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1228 by Metcalf (Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would amend Chapter 25 of the Tax Code, relating to Local Appraisal to require a chief appraiser, at the request of a property owner or property owner's agent, to provide without a fee, electronically or by mail, a copy of the records, supporting data, schedules, and other material and information the owner or agent is entitled to under existing law. The bill would require a private appraisal firm to provide electronically or by mail and without a fee, all information pertaining to the property that the firm considered in appraising the property, including information showing each method of appraisal used to determine the value of the property and all calculations, personal notes, correspondence, and working papers used in appraising the property with respect to property appraised by the firm under contract with the district.

The bill would take effect January 1, 2024.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JMc, KK, SD, BRI

LEGISLATIVE BUDGET BOARD

Austin, Texas

TAX/FEE EQUITY NOTE

88TH LEGISLATIVE REGULAR SESSION

March 10, 2023

TO: Honorable Morgan Meyer, Chair, House Committee on Ways & Means

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1228 by Metcalf (Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.),
As Introduced

No statistically significant impact on the overall distribution of a state tax or fee burden among individuals and businesses is anticipated from the provisions of this bill.

Source

Agencies:

LBB Staff: JMc, KK