

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1613
By: Harris
State Affairs
4-17-97
Committee Report (Substituted)

DIGEST

Currently, the standards involved in the administration of property taxation need general clarification when dealing with districts established for counties with a population of more than one million. This bill provides certain administrative policies relating to these districts and the appointment of appraisal review board members.

PURPOSE

As proposed, C.S.S.B. 1613 sets forth the procedure for the administration of property taxation.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.07, Tax Code, by amending Subsection (a) and adding Subsection (d), to require a notice required by Section 11.45(d), 23.44(d), 23.57(d), 23.79(d), 23.85(d), 25.23(c), 25.25(e), or 41.11, to be sent by certified mail. Makes a conforming change.

SECTION 2. Amends Chapter 6A, Tax Code, by Section 6.0361, as follows:

Sec. 6.0361. RESTRICTION ON FORMER APPRAISAL REVIEW BOARD MEMBERS. Provides that a person who has served on the appraisal review board (board) for a certain length of time is ineligible to perform certain other functions.

SECTION 3. Amends Section 6.41, Tax Code, by adding Subsection (g), to provide that a person who has served as a consultant for an appraisal district is ineligible to serve on the board for that district before a certain date.

SECTION 4. Amends Chapter 6C, Tax Code, by adding Section 6.414, as follows:

Sec. 6.414. BOARD MEMBER REQUIREMENTS FOR INSTRUCTION. Prohibits an appointee to the board of an appraisal district established for a certain county from assuming the duties of a board member before performing certain actions provided by certain authorities. Requires a person appointed to the board to complete certain training for a certain length of time.

SECTION 5. Amends Section 6.42, Tax Code, by adding Subsection (d), to prohibit the amount of per diem entitled to be received by a member of the board from being reduced as long as the member's service on the board continues uninterrupted.

SECTION 6. Amends Chapter 6, Tax Code, by adding Subchapter D, as follows:

SUBCHAPTER D. APPRAISAL REVIEW BOARD IN CERTAIN APPRAISAL DISTRICTS

Sec. 6.61. APPLICATION. Provides that this subchapter applies only to certain appraisal districts. Provides that the provisions of Subchapter C apply to a board to which this

subchapter applies.

Sec. 6.62. COMPOSITION AND APPOINTMENT. Sets forth the composition and appointment of a board under this subchapter.

Sec. 6.63. BOARD MEMBER COMPENSATION. Sets forth certain entitlement for reimbursement for a member of a board. Provides that Section 6.42(c) does not apply to a board to which this subchapter applies.

Sec. 6.64. PROHIBITION ON COMMISSIONERS COURT CONTACT WITH BOARD. Provides that a person who violates this section commits a Class C misdemeanor. Provides that a member of the commissioners court that performs certain functions commits an offense if the member of the commissioners court communicates with any member of the appraisal review board regarding a matter before the board.

SECTION 7. Amends Section 22.23(a), Tax Code, to require rendition statements and property reports to be delivered to the chief appraiser not later than April 15, rather than before April 15. Makes a nonsubstantive change.

SECTION 8. Amends Section 41.01, Tax Code, to require the appraisal review board in a certain county to consult with the board's legal counsel in a specific manner. Prohibits the board from reviewing or rejecting an agreement between a property owner or the owner's agency and the chief appraiser under Section 1.111(e), Tax Code.

SECTION 9. Amends Section 41.45, Tax Code, by amending Subsection (d) and by adding Subsections (g) and (h), to require the chairman of the board to select the members of each panel by lot, and to require the board to postpone the hearing to a later date under certain conditions. Requires the chief appraiser and the property owner or the owner's agent to each provide the other with a copy of any written material that the person intends to offer or submit to the appraisal review board at the hearing.

SECTION 10. Amends Section 41.47(a), Tax Code, to require the board to consult the board's legal counsel before making the determination, under certain conditions.

SECTION 11. Amends Section 42.06, Tax Code, to provide that a property owner is not required to file a notice of appeal under this section. Deletes existing Subsection (b) relating to a property owner's appeal and failure to comply. Makes conforming changes.

SECTION 12. Amends Section 42.43(b), Tax Code, to delete text defining an annual rate that is equal to the auction average rate quoted on a bank discount basis for a certain time period.

SECTION 13. (a) Effective date: September 1, 1997, except as provided by Subsection (e).

(b)-(d) Makes application of this Act prospective.

(e) Effective date for Chapter 6D, Tax Code: January 1, 1998. Provides that on the effective date of this subchapter the terms of all members of the board appointed before January 1, 1998, expire.

SECTION 14. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Deletes proposed SECTION 2 and adds new SECTION 2.

SECTION 2.

Amends Chapter 6A, Tax Code, relating to restrictions on former appraisal review board members.

Redesignates proposed SECTIONS 2 and 3 as new SECTIONS 3 and 4.

SECTION 3.

Amends Section 6.41, Tax Code, to delete Subsections (b) and (h), and adds Subsection (g), to provide that certain persons are ineligible for service on the board if they served previously as consultants under certain conditions.

SECTION 4.

Amends Chapter 6C, Tax Code, relating to board member requirements for instruction by amending the curriculum requirement to consist of not fewer than 20 hours. Requires a person appointed to the board to complete a certain number of hours of continuing education on the provisions of this title each year that the person serves on the board.

Adds new SECTIONS 5 and 6.

SECTION 5.

Amends Section 6.42, Tax Code, to prohibit certain amounts that a member of the board is entitled to receive from being reduced under certain conditions.

SECTION 6.

Amends Section 6, Tax Code, by adding Subchapter D, relating to the board in certain appraisal districts.

Redesignates proposed SECTIONS 4-9 as new SECTIONS 7-12.

SECTION 8.

Amends Section 41.01, Tax Code, to make a conforming change.

SECTION 9.

Amends Section 41.45, Tax Code, by amending Subsection (d), to require the chairman of the board to select the member of each panel by lot.

SECTION 10.

Amends Section 41.47(a), Tax Code, to make a conforming change.

Adds SECTION 13 to provide the effective date of this Act except for Subsection (e). Subsections (b)-(d) make application of this Act prospective. Provides that Chapter 6D, Tax Code, takes effect January 1, 1998. Provides that on the effective date of this Act the terms of an appraisal review board appointed before January 1, 1998 expire.

Adds SECTION 14 to provide the emergency clause.