

By: Mowery

H.B. No. 40

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the selection of the board of directors of an appraisal
3 district.

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

5 SECTION 1. Sections 6.03(a)-(c) and (k)-(m), Tax Code, are
6 amended to read as follows:

7 (a) The appraisal district is governed by a board of
8 directors. In an appraisal district established for a county with a
9 population of less than 50,000, the board consists of seven
10 directors. The county assessor-collector is a director by virtue
11 of the person's office. Three directors other than the county
12 assessor-collector are elected at the general election for state
13 and county officers, and three [Five] directors are appointed by
14 the taxing units that participate in the district as provided by
15 this section. In an appraisal district established for a county
16 with a population of 50,000 or more, the board consists of 15
17 directors. The county assessor-collector is a director by virtue
18 of the person's office. Seven directors other than the county
19 assessor-collector are elected at the general election for state
20 and county officers, and seven directors are appointed by the
21 taxing units that participate in the district as provided by this
22 section. [If the county assessor-collector is not appointed to the
23 board, the county assessor-collector serves as a nonvoting
24 director. The county assessor-collector is ineligible to serve if

1 ~~the board enters into a contract under Section 6.05(b) or if the~~
2 ~~commissioners court of the county enters into a contract under~~
3 ~~Section 6.24(b).~~] To be eligible to serve on the board of directors,
4 an individual other than a county assessor-collector [~~serving as a~~
5 ~~nonvoting director~~] must be a resident of the district and must have
6 resided in the district for at least two years immediately
7 preceding the date the individual takes office. An individual who
8 is otherwise eligible to serve on the board as a member appointed by
9 the taxing units participating in the district is not ineligible
10 because of membership on the governing body of a taxing unit. An
11 employee of a taxing unit that participates in the district is not
12 eligible to serve on the board as a member appointed by the taxing
13 units participating in the district unless the individual is also a
14 member of the governing body or an elected official of a taxing unit
15 that participates in the district.

16 (b) Members of the board of directors other than a county
17 assessor-collector [~~serving as a nonvoting director~~] serve
18 two-year terms. The terms of directors elected at a general
19 election begin on January 1 of odd-numbered years. The terms of
20 directors appointed by the taxing units begin [~~beginning~~] on
21 January 1 of even-numbered years.

22 (c) Members of the board of directors other than a county
23 assessor-collector and other than the members elected at the
24 general election [~~serving as a nonvoting director~~] are appointed by
25 vote of the governing bodies of the incorporated cities and towns,
26 the school districts, and, if entitled to vote, the conservation
27 and reclamation districts that participate in the district and of

1 the county. A governing body may cast all its votes for one
2 candidate or distribute them among candidates for any number of
3 directorships. Conservation and reclamation districts are not
4 entitled to vote unless at least one conservation and reclamation
5 district in the district delivers to the chief appraiser a written
6 request to nominate and vote on the board of directors by June 1 of
7 each odd-numbered year. On receipt of a request, the chief
8 appraiser shall certify a list by June 15 of all eligible
9 conservation and reclamation districts that are imposing taxes and
10 that participate in the district.

11 (k) The governing body of each taxing unit entitled to vote
12 shall determine its vote by resolution and submit it to the chief
13 appraiser before December 15. The chief appraiser shall count the
14 votes, declare the three [~~five~~] candidates who receive the largest
15 cumulative vote totals appointed for an appraisal district
16 established for a county with a population of less than 50,000, or
17 the seven candidates who receive the largest cumulative vote totals
18 appointed for an appraisal district established for a county with a
19 population of 50,000 or more [~~elected~~], and submit the results
20 before December 31 to the governing body of each taxing unit in the
21 district and to the candidates. For purposes of determining the
22 number of votes received by the candidates, the candidate receiving
23 the most votes of the conservation and reclamation districts is
24 considered to have received all of the votes cast by conservation
25 and reclamation districts and the other candidates are considered
26 not to have received any votes of the conservation and reclamation
27 districts. The chief appraiser shall resolve a tie vote by any

1 method of chance.

2 (1) If a vacancy occurs in an appointed position on the
3 board of directors [~~other than a vacancy in the position held by a~~
4 ~~county assessor-collector serving as a nonvoting director~~], each
5 taxing unit that is entitled to vote by this section may nominate by
6 resolution adopted by its governing body a candidate to fill the
7 vacancy. The unit shall submit the name of its nominee to the chief
8 appraiser within 45 days after notification from the board of
9 directors of the existence of the vacancy, and the chief appraiser
10 shall prepare and deliver to the board of directors within the next
11 five days a list of the nominees. The board of directors shall
12 appoint [~~elect~~] by majority vote of its members one of the nominees
13 to fill the vacancy. If a vacancy occurs in an elected position on
14 the board of directors, the board of directors shall appoint by
15 majority vote of its members a person to fill the vacancy. A person
16 appointed to fill a vacancy in an elected position must have the
17 qualifications required of a director elected at a general
18 election.

19 (m) If a school district participates in an appraisal
20 district in which the only property of the school district located
21 in the appraisal district is property annexed to the school
22 district under Subchapter C or G, Chapter 41, Education Code, an
23 individual who does not meet the residency requirements of
24 Subsection (a) is eligible to be appointed to the board of directors
25 of the appraisal district by the taxing units participating in the
26 appraisal district if:

27 (1) the individual is a resident of the school

1 district; and

2 (2) the individual is nominated as a candidate for the
3 board of directors by the school district or, if the taxing units
4 have adopted a change in the method of appointing board members that
5 does not require a nomination, the school district appoints or
6 participates in the appointment of the individual.

7 SECTION 2. Sections 6.031, 6.033, and 6.037, Tax Code, are
8 amended to read as follows:

9 Sec. 6.031. CHANGES IN BOARD MEMBERSHIP [~~OR SELECTION~~].

10 (a) The board of directors of an appraisal district established for
11 a county with a population of less than 50,000, by resolution
12 adopted and delivered to each taxing unit participating in the
13 district before May [~~August~~] 15, may increase the number of members
14 on the board of directors of the district to not more than 15 [~~13~~],
15 change the method or procedure for appointing the members appointed
16 by the taxing units participating in the district, or both, unless
17 the governing body of a taxing unit that is entitled to vote on the
18 appointment of board members adopts a resolution opposing the
19 change in the method or procedure for appointing those members, and
20 files it with the board of directors before June [~~September~~] 1. If
21 a change in the method or procedure for appointing those members is
22 rejected, the board shall notify, in writing, each taxing unit
23 participating in the district before June [~~September~~] 15.

24 (b) The taxing units participating in an appraisal district
25 established for a county with a population of less than 50,000 may
26 increase the number of members on the board of directors of the
27 district to not more than 15 [~~13~~], change the method or procedure

1 for appointing the members appointed by the taxing units
2 participating in the district, or both, if the governing bodies of
3 three-fourths of the taxing units that are entitled to vote on the
4 appointment of board members adopt resolutions providing for the
5 change. However, a change under this subsection in the method or
6 procedure for selecting members appointed by the taxing units
7 participating in the district is not valid if it reduces the voting
8 entitlement of one or more taxing units that do not adopt a
9 resolution proposing it to less than a majority of the voting
10 entitlement under Section 6.03 [~~of this code~~] or if it reduces the
11 voting entitlement of any taxing unit that does not adopt a
12 resolution proposing it to less than 50 percent of its voting
13 entitlement under Section 6.03 [~~of this code~~] and if that taxing
14 unit's allocation of the budget is not reduced to the same
15 proportional percentage amount, or if it expands the types of
16 taxing units that are entitled to vote on appointment of board
17 members.

18 (c) An official copy of a resolution under this section must
19 be filed with the chief appraiser of the appraisal district after
20 May [~~June~~] 30 and before August [~~October~~] 1 [~~of a year in which~~
21 ~~board members are appointed~~] or the resolution is ineffective.

22 (d) Before August 15 [~~October 5 of each year in which board~~
23 ~~members are appointed,~~] the chief appraiser shall determine whether
24 a sufficient number of eligible taxing units have filed valid
25 resolutions proposing a change for the change to take effect. The
26 chief appraiser shall notify each taxing unit participating in the
27 district of each change that is adopted before August 30 [~~October~~

10]. A change in the method or procedure for selecting members appointed by the taxing units participating in the district that is adopted takes effect on the date the chief appraiser notifies the taxing units of the change. An increase in the number of members of the board takes effect on January 1 of the first year after the date the chief appraiser notifies the taxing units of the increase.

(e) If the number of members of the board is increased under this section, at least one-half of the total number of members, as increased, other than the county assessor-collector, shall be elected at the general election for state and county officers. The board of directors by majority vote of its members may increase the number of members to be elected to more than the minimum number required by this subsection.

(f) A change in [~~membership or~~] selection of the board members appointed by the taxing units participating in the district made as provided by this section remains in effect until changed in a manner provided by this section or rescinded by resolution of a majority of the governing bodies that are entitled to vote on appointment of board members under Section 6.03 [of this code].

(g) [~~(f)~~] A provision of Section 6.03 [~~of this code~~] that is subject to change under this section but is not expressly changed by resolution of a sufficient number of eligible taxing units remains in effect.

(h) [~~(g)~~] For purposes of this section, the conservation and reclamation districts in an appraisal district are considered to be entitled to vote on the appointment of appraisal district directors if:

1 (1) a conservation and reclamation district has filed
2 a request to the chief appraiser to nominate and vote on directors
3 in the current year as provided by Section 6.03(c); or

4 (2) conservation and reclamation districts were
5 entitled to vote on the appointment of directors in the appraisal
6 district in the most recent year in which directors were appointed
7 under Section 6.03.

8 Sec. 6.033. RECALL OF DIRECTOR APPOINTED BY TAXING UNITS
9 PARTICIPATING IN APPRAISAL DISTRICT.

10 (a) The governing body of a
11 taxing unit may call for the recall of a member of the board of
12 directors of an appraisal district appointed by the taxing units
13 participating in the district under Section 6.03 [~~of this code~~] for
14 whom the unit cast any of its votes in the appointment of the board.
15 The call must be in the form of a resolution, be filed with the chief
16 appraiser of the appraisal district, and state that the unit is
17 calling for the recall of the member. If a resolution calling for
18 the recall of a board member is filed under this subsection, the
19 chief appraiser, not later than the 10th day after the date of
20 filing, shall deliver a written notice of the filing of the
21 resolution and the date of its filing to the presiding officer of
22 the governing body of each taxing unit entitled to vote in the
23 appointment of board members.

24 (b) On or before the 30th day after the date on which a
25 resolution calling for the recall of a member of the board appointed
26 by the taxing units participating in the district is filed, the
27 governing body of a taxing unit that cast any of its votes in the
appointment of the board for that member may vote to recall the

1 member by resolution submitted to the chief appraiser. Each taxing
2 unit is entitled to the same number of votes in the recall as it cast
3 for that member in the appointment of the board. The governing body
4 of the taxing unit calling for the recall may cast its votes in
5 favor of the recall in the same resolution in which it called for
6 the recall.

7 (c) Not later than the 10th day after the last day provided
8 by this section for voting in favor of the recall, the chief
9 appraiser shall count the votes cast in favor of the recall. If the
10 number of votes in favor of the recall equals or exceeds a majority
11 of the votes cast for the member in the appointment of the board,
12 the member appointed by the taxing units participating in the
13 district is recalled and ceases to be a member of the board. The
14 chief appraiser shall immediately notify in writing the presiding
15 officer of the appraisal district board of directors and of the
16 governing body of each taxing unit that voted in the recall election
17 of the outcome of the recall election. If the presiding officer of
18 the appraisal district board of directors is the member whose
19 recall was voted on, the chief appraiser shall also notify the
20 secretary of the appraisal district board of directors of the
21 outcome of the recall election.

22 (d) If a vacancy occurs on the board of directors after the
23 recall of a member of the board appointed by the taxing units
24 participating in the district under this section, the taxing units
25 that were entitled to vote in the recall election shall appoint a
26 new board member. Each taxing unit is entitled to the same number
27 of votes as it originally cast to appoint the recalled board member.

1 Each taxing unit entitled to vote may nominate one candidate by
2 resolution adopted by its governing body. The presiding officer of
3 the governing body of the unit shall submit the name of the unit's
4 nominee to the chief appraiser on or before the 30th day after the
5 date it receives notification from the chief appraiser of the
6 result of the recall election. On or before the 15th day after the
7 last day provided for a nomination to be submitted, the chief
8 appraiser shall prepare a ballot, listing the candidates nominated
9 alphabetically according to each candidate's surname, and shall
10 deliver a copy of the ballot to the presiding officer of the
11 governing body of each taxing unit that is entitled to vote. On or
12 before the 15th day after the date on which a taxing unit's ballot
13 is delivered, the governing body of the taxing unit shall determine
14 its vote by resolution and submit it to the chief appraiser. On or
15 before the 15th day after the last day on which a taxing unit may
16 vote, the chief appraiser shall count the votes, declare the
17 candidate who received the largest vote total appointed, and submit
18 the results to the presiding officer of the governing body of the
19 appraisal district and of each taxing unit in the district and to
20 the candidates. The chief appraiser shall resolve a tie vote by any
21 method of chance.

22 (e) If the members appointed by the taxing units
23 participating in the district to the board of directors of an
24 appraisal district are ~~is~~ appointed by a method or procedure
25 adopted under Section 6.031 ~~[of this code]~~, the governing bodies of
26 the taxing units that voted for or otherwise participated in the
27 appointment of a member of the board may recall that member and

1 appoint a new member to the vacancy by any method adopted by
2 resolution of a majority of those governing bodies. If the
3 appointment was by election by the taxing units participating in
4 the district, the method of recall and of appointing a new member to
5 the vacancy is not valid unless it provides that each taxing unit is
6 entitled to the same number of votes in the recall and in the
7 appointment to fill the vacancy as it originally cast for the member
8 being recalled.

9 Sec. 6.037. PARTICIPATION OF CONSERVATION AND RECLAMATION
10 DISTRICTS IN APPRAISAL DISTRICT MATTERS. In this title, a
11 reference to the taxing units entitled to vote on the appointment of
12 appraisal district board members includes the conservation and
13 reclamation districts participating in the appraisal district,
14 without regard to whether the conservation and reclamation
15 districts are currently entitled to do so under Section 6.03(c). In
16 a provision of this title other than Section 6.03 or 6.031 that
17 grants authority to a majority or other number of the taxing units
18 entitled to vote on the appointment of appraisal district
19 directors, including the disapproval of the appraisal district
20 budget under Section 6.06 [~~and the disapproval of appraisal~~
21 ~~district board actions under Section 6.10~~], the conservation and
22 reclamation districts participating in the appraisal district are
23 given the vote or authority of one taxing unit. That vote or
24 authority is considered exercised only if a majority of the
25 conservation and reclamation districts take the same action to
26 exercise that vote or authority. Otherwise, the conservation and
27 reclamation districts are treated in the same manner as a single

1 taxing unit that is entitled to act but does not take any action on
2 the matter.

3 SECTION 3. Section 42.005(a), Election Code, is amended to
4 read as follows:

5 (a) A county election precinct, including a consolidated
6 precinct, may not contain territory from more than one of each of
7 the following types of territorial units:

- 8 (1) a commissioners precinct;
- 9 (2) a justice precinct;
- 10 (3) a congressional district;
- 11 (4) a state representative district;
- 12 (5) a state senatorial district;
- 13 (6) a ward in a city with a population of 10,000 or
14 more; ~~or~~
- 15 (7) a State Board of Education district; or
- 16 (8) an appraisal district established under Chapter 6,
17 Tax Code.

18 SECTION 4. Section 52.092(d), Election Code, is amended to
19 read as follows:

20 (d) District offices of the state government shall be listed
21 in the following order:

- 22 (1) member, State Board of Education;
- 23 (2) state senator;
- 24 (3) state representative;
- 25 (4) chief justice, court of appeals;
- 26 (5) justice, court of appeals;
- 27 (6) district judge;

- (7) criminal district judge;
- (8) family district judge;
- (9) district attorney;
- (10) criminal district attorney;
- (11) appraisal district director.

SECTION 5. Section 172.024, Election Code, is amended by adding Subsection (c) to read as follows:

(c) For the office of appraisal district director, the filing fee for a candidate for nomination in the general primary election is:

- (1) county with a population of 200,000 or more \$400
- (2) county with a population under 200,000 200.

SECTION 6. Sections 6.034 and 6.10, Tax Code, are repealed.

SECTION 7. (a) Except as otherwise provided by this section, this Act takes effect January 1, 2007.

(b) This section and Sections 3, 4, and 5 of this Act take effect September 1, 2005.

(c) Appraisal district directors shall be elected as provided by Section 6.03, Tax Code, as amended by this Act, beginning with the primary and general elections conducted in 2006. Members then elected take office January 1, 2007.

(d) The change in the manner of selection of appraisal district directors made by this Act does not affect the selection of directors who serve on the board before January 1, 2007.

(e) The term of an appraisal district director serving on December 31, 2006, expires on January 1, 2007.