

By: Mowery

H.B. No. 448

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, 6.031, 6.033, and 6.037, Tax
6 Code, are amended to read as follows:

7 Sec. 6.03. BOARD OF DIRECTORS. (a) The appraisal district
8 is governed by a board of directors. In an appraisal district
9 established for a county with a population of less than 50,000, the
10 board consists of seven directors. The county assessor-collector
11 is a director by virtue of the person's office. Three directors
12 other than the county assessor-collector are elected at the general
13 election for state and county officers, and three [Five] directors
14 are appointed by the taxing units that participate in the district
15 as provided by this section. In an appraisal district established
16 for a county with a population of 50,000 or more, the board consists
17 of 15 directors. The county assessor-collector is a director by
18 virtue of the person's office. Seven directors other than the
19 county assessor-collector are elected at the general election for
20 state 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 (d) The voting entitlement of a taxing unit that is entitled
12 to vote for directors is determined by dividing the total dollar
13 amount of property taxes imposed in the district by the taxing unit
14 for the preceding tax year by the sum of the total dollar amount of
15 property taxes imposed in the district for that year by each taxing
16 unit that is entitled to vote, by multiplying the quotient by 1,000,
17 and by rounding the product to the nearest whole number. That number
18 is multiplied by the number of directorships to be filled. A taxing
19 unit participating in two or more districts is entitled to vote in
20 each district in which it participates, but only the taxes imposed
21 in a district are used to calculate voting entitlement in that
22 district.

23 (e) The chief appraiser shall calculate the number of votes
24 to which each taxing unit other than a conservation and reclamation
25 district is entitled and shall deliver written notice to each of
26 those units of its voting entitlement before October 1 of each
27 odd-numbered year. The chief appraiser shall deliver the notice:

1 (1) to the county judge and each commissioner of the
2 county served by the appraisal district;

3 (2) to the presiding officer of the governing body of
4 each city or town participating in the appraisal district, to the
5 city manager of each city or town having a city manager, and to the
6 city secretary or clerk, if there is one, of each city or town that
7 does not have a city manager; and

8 (3) to the presiding officer of the governing body of
9 each school district participating in the district and to the
10 superintendent of those school districts.

11 (f) The chief appraiser shall calculate the number of votes
12 to which each conservation and reclamation district entitled to
13 vote for district directors is entitled and shall deliver written
14 notice to the presiding officer of each conservation and
15 reclamation district of its voting entitlement and right to
16 nominate a person to serve as a director of the district before July
17 1 of each odd-numbered year.

18 (g) Each taxing unit other than a conservation and
19 reclamation district that is entitled to vote may nominate by
20 resolution adopted by its governing body one candidate for each
21 position to be filled on the board of directors. The presiding
22 officer of the governing body of the unit shall submit the names of
23 the unit's nominees to the chief appraiser before October 15.

24 (h) Each conservation and reclamation district entitled to
25 vote may nominate by resolution adopted by its governing body one
26 candidate for the district's board of directors. The presiding
27 officer of the conservation and reclamation district's governing

1 body shall submit the name of the district's nominee to the chief
2 appraiser before July 15 of each odd-numbered year. Before August
3 1, the chief appraiser shall prepare a nominating ballot, listing
4 all the nominees of conservation and reclamation districts
5 alphabetically by surname, and shall deliver a copy of the
6 nominating ballot to the presiding officer of the board of
7 directors of each district. The board of directors of each district
8 shall determine its vote by resolution and submit it to the chief
9 appraiser before August 15. The nominee on the ballot with the most
10 votes is the nominee of the conservation and reclamation districts
11 in the appraisal district if the nominee received more than 10
12 percent of the votes entitled to be cast by all of the conservation
13 and reclamation districts in the appraisal district, and shall be
14 named on the ballot with the candidates nominated by the other
15 taxing units. The chief appraiser shall resolve a tie vote by any
16 method of chance.

17 (i) If no nominee of the conservation and reclamation
18 districts receives more than 10 percent of the votes entitled to be
19 cast under Subsection (h), the chief appraiser, before September 1,
20 shall notify the presiding officer of the board of directors of each
21 conservation and reclamation district of the failure to select a
22 nominee. Each conservation and reclamation district may submit a
23 nominee by September 15 to the chief appraiser as provided by
24 Subsection (h). The chief appraiser shall submit a second
25 nominating ballot by October 1 to the conservation and reclamation
26 districts as provided by Subsection (h). The conservation and
27 reclamation districts shall submit their votes for nomination

1 before October 15 as provided by Subsection (h). The nominee on the
2 second nominating ballot with the most votes is the nominee of the
3 conservation and reclamation districts in the appraisal district
4 and shall be named on the ballot with the candidates nominated by
5 the other taxing units. The chief appraiser shall resolve a tie
6 vote by any method of chance.

7 (j) Before October 30, the chief appraiser shall prepare a
8 ballot, listing the candidates alphabetically according to the
9 first letter in each candidate's surname, and shall deliver a copy
10 of the ballot to the presiding officer of the governing body of each
11 taxing unit that is entitled to vote.

12 (k) The governing body of each taxing unit entitled to vote
13 shall determine its vote by resolution and submit it to the chief
14 appraiser before November 15. The chief appraiser shall count the
15 votes, declare the three [~~five~~] candidates who receive the largest
16 cumulative vote totals appointed for an appraisal district
17 established for a county with a population of less than 50,000, or
18 the seven candidates who receive the largest cumulative vote totals
19 appointed for an appraisal district established for a county with a
20 population of 50,000 or more [~~elected~~], and submit the results
21 before December 1 to the governing body of each taxing unit in the
22 district and to the candidates. For purposes of determining the
23 number of votes received by the candidates, the candidate receiving
24 the most votes of the conservation and reclamation districts is
25 considered to have received all of the votes cast by conservation
26 and reclamation districts and the other candidates are considered
27 not to have received any votes of the conservation and reclamation

1 districts. The chief appraiser shall resolve a tie vote by any
2 method of chance.

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

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

1 (1) the individual is a resident of the school
2 district; and

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

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

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

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

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

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

21 (d) Before August 15 [~~October 5 of each year in which board~~
22 ~~members are appointed,~~] the chief appraiser shall determine whether
23 a sufficient number of eligible taxing units have filed valid
24 resolutions proposing a change for the change to take effect. The
25 chief appraiser shall notify each taxing unit participating in the
26 district of each change that is adopted before August 30 [~~October~~
27 ~~10~~]. A change in the method or procedure for selecting members

1 appointed by the taxing units participating in the district that is
2 adopted takes effect on the date the chief appraiser notifies the
3 taxing units of the change. An increase in the number of members of
4 the board takes effect on January 1 of the first year after the date
5 the chief appraiser notifies the taxing units of the increase.

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

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

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

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

27 (1) a conservation and reclamation district has filed

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

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

7 Sec. 6.033. RECALL OF DIRECTOR APPOINTED BY TAXING UNITS
8 PARTICIPATING IN APPRAISAL DISTRICT. (a) The governing body of a
9 taxing unit may call for the recall of a member of the board of
10 directors of an appraisal district appointed by the taxing units
11 participating in the district under Section 6.03 [~~of this code~~] for
12 whom the unit cast any of its votes in the appointment of the board.
13 The call must be in the form of a resolution, be filed with the chief
14 appraiser of the appraisal district, and state that the unit is
15 calling for the recall of the member. If a resolution calling for
16 the recall of a board member is filed under this subsection, the
17 chief appraiser, not later than the 10th day after the date of
18 filing, shall deliver a written notice of the filing of the
19 resolution and the date of its filing to the presiding officer of
20 the governing body of each taxing unit entitled to vote in the
21 appointment of board members.

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

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

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

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

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

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

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

8 Sec. 6.037. PARTICIPATION OF CONSERVATION AND RECLAMATION
9 DISTRICTS IN APPRAISAL DISTRICT MATTERS. In this title, a
10 reference to the taxing units entitled to vote on the appointment of
11 appraisal district board members includes the conservation and
12 reclamation districts participating in the appraisal district,
13 without regard to whether the conservation and reclamation
14 districts are currently entitled to do so under Section 6.03(c). In
15 a provision of this title other than Section 6.03 or 6.031 that
16 grants authority to a majority or other number of the taxing units
17 entitled to vote on the appointment of appraisal district
18 directors, including the disapproval of the appraisal district
19 budget under Section 6.06 [~~and the disapproval of appraisal~~
20 ~~district board actions under Section 6.10~~], the conservation and
21 reclamation districts participating in the appraisal district are
22 given the vote or authority of one taxing unit. That vote or
23 authority is considered exercised only if a majority of the
24 conservation and reclamation districts take the same action to
25 exercise that vote or authority. Otherwise, the conservation and
26 reclamation districts are treated in the same manner as a single
27 taxing unit that is entitled to act but does not take any action on

1 the matter.

2 SECTION 2. Section 42.005(a), Election Code, is amended to
3 read as follows:

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

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

17 SECTION 3. Section 52.092(d), Election Code, is amended to
18 read as follows:

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

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

- 1 (8) family district judge;
- 2 (9) district attorney;
- 3 (10) criminal district attorney;
- 4 (11) appraisal district director.

5 SECTION 4. Section 172.024, Election Code, is amended by
 6 adding Subsection (c) to read as follows:

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

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

13 SECTION 5. Sections 6.034 and 6.10, Tax Code, are repealed.

14 SECTION 6. (a) Except as otherwise provided by this
 15 section, this Act takes effect January 1, 2005.

16 (b) This section and Sections 2, 3, and 4 of this Act take
 17 effect September 1, 2003.

18 (c) Appraisal district directors shall be elected as
 19 provided by Section 6.03, Tax Code, as amended by this Act,
 20 beginning with the primary and general elections conducted in 2004.
 21 Members then elected take office January 1, 2005.

22 (d) The change in the manner of selection of appraisal
 23 district directors made by this Act does not affect the selection of
 24 directors who serve on the board before January 1, 2005.

25 (e) The term of an appraisal district director serving on
 26 December 31, 2004, expires on January 1, 2005.