

By: Miller

H.B. No. 951

A BILL TO BE ENTITLED

1 AN ACT

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. Section 6.03, Tax Code, is amended by amending
6 Subsections (a), (b), (c), (k), (l), and (m) and adding Subsections
7 (a-1), (a-2), and (l-1) to read as follows:

8 (a) The appraisal district is governed by a board of seven
9 directors. Two directors are elected at the general election for
10 state and county officers by the voters of the county for which the
11 district is established, and five [~~Five~~] directors are appointed by
12 the taxing units that participate in the district as provided by
13 this section.

14 (a-1) If the county assessor-collector is not appointed to
15 the board of directors, the county assessor-collector serves as a
16 nonvoting director. The county assessor-collector is ineligible to
17 serve if the board enters into a contract under Section 6.05(b) or
18 if the commissioners court of the county enters into a contract
19 under Section 6.24(b).

20 (a-2) To be eligible to serve on the board of directors, an
21 individual, other than a county assessor-collector serving as a
22 nonvoting director, must be a resident of the appraisal district
23 and must have resided in the district for at least two years
24 immediately preceding the date the individual takes office. To be

1 eligible to be elected to the board, an individual must be a
2 resident of the county for which the district is established. An
3 individual who is otherwise eligible to serve on the board as a
4 member appointed by the taxing units participating in the district
5 is not ineligible because of membership on the governing body of a
6 taxing unit. An employee of a taxing unit that participates in the
7 district is not eligible to serve on the board as a member appointed
8 by the taxing units participating in the district unless the
9 individual is also a member of the governing body or an elected
10 official of a taxing unit that participates in the district.

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

17 (c) Members of the board of directors, other than a county
18 assessor-collector serving as a nonvoting director and other than
19 the elected members, are appointed by vote of the governing bodies
20 of the incorporated cities and towns, the school districts, and, if
21 entitled to vote, the conservation and reclamation districts that
22 participate in the district and of the county. A governing body may
23 cast all its votes for one candidate or distribute them among
24 candidates for any number of directorships. Conservation and
25 reclamation districts are not entitled to vote unless at least one
26 conservation and reclamation district in the district delivers to
27 the chief appraiser a written request to nominate and vote on the

1 board of directors by June 1 of each odd-numbered year. On receipt
2 of a request, the chief appraiser shall certify a list by June 15 of
3 all eligible conservation and reclamation districts that are
4 imposing taxes and that participate in the district.

5 (k) The governing body of each taxing unit entitled to vote
6 shall determine its vote by resolution and submit it to the chief
7 appraiser before December 15. The chief appraiser shall count the
8 votes, declare the five candidates who receive the largest
9 cumulative vote totals appointed [~~elected~~], and submit the results
10 before December 31 to the governing body of each taxing unit in the
11 district and to the candidates. For purposes of determining the
12 number of votes received by the candidates, the candidate receiving
13 the most votes of the conservation and reclamation districts is
14 considered to have received all of the votes cast by conservation
15 and reclamation districts and the other candidates are considered
16 not to have received any votes of the conservation and reclamation
17 districts. The chief appraiser shall resolve a tie vote by any
18 method of chance.

19 (l) If a vacancy occurs in an appointive position on the
20 board of directors, other than a vacancy in the position held by a
21 county assessor-collector serving as a nonvoting director, each
22 taxing unit that is entitled to vote by this section may nominate by
23 resolution adopted by its governing body a candidate to fill the
24 vacancy. The unit shall submit the name of its nominee to the chief
25 appraiser within 45 days after notification from the board of
26 directors of the existence of the vacancy, and the chief appraiser
27 shall prepare and deliver to the board of directors within the next

1 five days a list of the nominees. The board of directors shall
2 appoint [~~elect~~] by majority vote of its members one of the nominees
3 to fill the vacancy.

4 (1-1) If a vacancy occurs in an elective position on the
5 board of directors, the board of directors shall appoint by
6 majority vote of its members a person to fill the vacancy. A person
7 appointed to fill a vacancy in an elective position must have the
8 qualifications required of a director elected at a general
9 election.

10 (m) If a school district participates in an appraisal
11 district in which the only property of the school district located
12 in the appraisal district is property annexed to the school
13 district under Subchapter C or G, Chapter 41, Education Code, an
14 individual who does not meet the residency requirements of
15 Subsection (a-1) [~~(a)~~] is eligible to be appointed to an appointive
16 position on the board of directors of the appraisal district by the
17 taxing units participating in the appraisal district if:

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

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

25 SECTION 2. Section 6.031, Tax Code, is amended to read as
26 follows:

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

1 (a) The board of directors of an appraisal district, by resolution
2 adopted and delivered to each taxing unit participating in the
3 district before May [~~August~~] 15, may increase the number of members
4 on the board of directors of the district to not more than 13 or [~~7~~]
5 change the method or procedure for appointing the members appointed
6 by the taxing units participating in the district, or both, unless
7 the governing body of a taxing unit that is entitled to vote on the
8 appointment of board members adopts a resolution opposing the
9 change in the method or procedure for appointing those members [~~7~~]
10 and files it with the board of directors before June [~~September~~] 1.
11 If a change in the method or procedure for appointing those members
12 is rejected, the board shall notify, in writing, each taxing unit
13 participating in the district before June [~~September~~] 15.

14 (b) The taxing units participating in an appraisal district
15 may increase the number of members on the board of directors of the
16 district to not more than 13 or [~~7~~] change the method or procedure
17 for appointing the members appointed by the taxing units
18 participating in the district, or both, if the governing bodies of
19 three-fourths of the taxing units that are entitled to vote on the
20 appointment of board members adopt resolutions providing for the
21 change. However, a change under this subsection in the method or
22 procedure for selecting members appointed by the taxing units
23 participating in the district is not valid if it reduces the voting
24 entitlement of one or more taxing units that do not adopt a
25 resolution proposing it to less than a majority of the voting
26 entitlement under Section 6.03 [~~of this code~~] or if it reduces the
27 voting entitlement of any taxing unit that does not adopt a

1 resolution proposing it to less than 50 percent of its voting
2 entitlement under Section 6.03 [~~of this code~~] and if that taxing
3 unit's allocation of the budget is not reduced to the same
4 proportional percentage amount, or if it expands the types of
5 taxing units that are entitled to vote on appointment of board
6 members.

7 (c) An official copy of a resolution under Subsection (b)
8 [~~this section~~] must be filed with the chief appraiser of the
9 appraisal district after May [~~June~~] 30 and before August [~~October~~]
10 1 [~~of a year in which board members are appointed~~] or the resolution
11 is ineffective.

12 (d) Before August 15 [~~October 5 of each year in which board~~
13 ~~members are appointed~~], the chief appraiser shall determine whether
14 a sufficient number of eligible taxing units have filed valid
15 resolutions proposing a change under Subsection (b) for the change
16 to take effect. The chief appraiser shall notify each taxing unit
17 participating in the district of each change that is adopted before
18 August 30 [~~October 10~~]. A change in the method or procedure for
19 selecting members appointed by the taxing units participating in
20 the district that is adopted takes effect on the date the chief
21 appraiser notifies the taxing units of the change. An increase in
22 the number of members of the board takes effect on January 1 of the
23 first year after the date the chief appraiser notifies the taxing
24 units of the increase.

25 (e) If the number of members of the board is increased under
26 this section, at least one-half of the number of new members shall
27 be elected to the board in the manner provided by Section 6.03. The

1 board of directors by majority vote of its members may increase the
2 number of members to be elected to more than the minimum number
3 required by this subsection.

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

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

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

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

21 (2) conservation and reclamation districts were
22 entitled to vote on the appointment of directors in the appraisal
23 district in the most recent year in which directors were appointed
24 under Section 6.03.

25 SECTION 3. Subchapter A, Chapter 6, Tax Code, is amended by
26 adding Section 6.032 to read as follows:

27 Sec. 6.032. BALLOT PROCEDURES FOR ELECTED DIRECTORS; FILING

1 FEE. (a) Except as provided by this section, Chapter 144, Election
2 Code, applies to a candidate for an elective position on an
3 appraisal district board of directors.

4 (b) An application for a place on the ballot must be filed
5 with the county judge of the county for which the appraisal district
6 is established and be accompanied by a filing fee of:

7 (1) \$750 for a county with a population of less than
8 200,000; or

9 (2) \$1,250 for a county with a population of 200,000 or
10 more.

11 (c) A candidate's name may appear on the ballot only as an
12 independent candidate.

13 (d) A filing fee received under this section shall be
14 deposited in the county treasury to the credit of the county general
15 fund.

16 SECTION 4. Sections 6.033 and 6.037, Tax Code, are amended
17 to read as follows:

18 Sec. 6.033. RECALL OF APPOINTED DIRECTOR. (a) The
19 governing body of a taxing unit may call for the recall of a member
20 of the board of directors of an appraisal district appointed by the
21 taxing units participating in the district under Section 6.03 [~~of~~
22 ~~this code~~] for whom the unit cast any of its votes in the
23 appointment of the appointive board members. The call must be in
24 the form of a resolution, be filed with the chief appraiser of the
25 appraisal district, and state that the unit is calling for the
26 recall of the member. If a resolution calling for the recall of a
27 board member is filed under this subsection, the chief appraiser,

1 not later than the 10th day after the date of filing, shall deliver
2 a written notice of the filing of the resolution and the date of its
3 filing to the presiding officer of the governing body of each taxing
4 unit entitled to vote in the appointment of board members.

5 (b) On or before the 30th day after the date on which a
6 resolution calling for the recall of a member of the board appointed
7 by the taxing units participating in the district is filed, the
8 governing body of a taxing unit that cast any of its votes in the
9 appointment of the board for that member may vote to recall the
10 member by resolution submitted to the chief appraiser. Each taxing
11 unit is entitled to the same number of votes in the recall as it cast
12 for that member in the member's appointment to [~~of~~] the board. The
13 governing body of the taxing unit calling for the recall may cast
14 its votes in favor of the recall in the same resolution in which it
15 called for the recall.

16 (c) Not later than the 10th day after the last day provided
17 by this section for voting in favor of the recall, the chief
18 appraiser shall count the votes cast in favor of the recall. If the
19 number of votes in favor of the recall equals or exceeds a majority
20 of the votes cast for the member in the member's appointment to [~~of~~]
21 the board, the member is recalled and ceases to be a member of the
22 board. The chief appraiser shall immediately notify in writing the
23 presiding officer of the appraisal district board of directors and
24 of the governing body of each taxing unit that voted in the recall
25 election of the outcome of the recall election. If the presiding
26 officer of the appraisal district board of directors is the member
27 whose recall was voted on, the chief appraiser shall also notify the

1 secretary of the appraisal district board of directors of the
2 outcome of the recall election.

3 (d) If a vacancy occurs on the board of directors after the
4 recall of a member of the board under this section, the taxing units
5 that were entitled to vote in the recall election shall appoint a
6 new board member to the vacancy. Each taxing unit is entitled to
7 the same number of votes as it originally cast to appoint the
8 recalled board member. Each taxing unit entitled to vote may
9 nominate one candidate by resolution adopted by its governing body.
10 The presiding officer of the governing body of the unit shall submit
11 the name of the unit's nominee to the chief appraiser on or before
12 the 30th day after the date it receives notification from the chief
13 appraiser of the result of the recall election. On or before the
14 15th day after the last day provided for a nomination to be
15 submitted, the chief appraiser shall prepare a ballot, listing the
16 candidates nominated alphabetically according to each candidate's
17 surname, and shall deliver a copy of the ballot to the presiding
18 officer of the governing body of each taxing unit that is entitled
19 to vote. On or before the 15th day after the date on which a taxing
20 unit's ballot is delivered, the governing body of the taxing unit
21 shall determine its vote by resolution and submit it to the chief
22 appraiser. On or before the 15th day after the last day on which a
23 taxing unit may vote, the chief appraiser shall count the votes,
24 declare the candidate who received the largest vote total
25 appointed, and submit the results to the presiding officer of the
26 governing body of the appraisal district and of each taxing unit in
27 the district and to the candidates. The chief appraiser shall

1 resolve a tie vote by any method of chance.

2 (e) If the members appointed by the taxing units
3 participating in the district to the board of directors of an
4 appraisal district are [~~is~~] appointed by a method or procedure
5 adopted under Section 6.031 [~~of this code~~], the governing bodies of
6 the taxing units that voted for or otherwise participated in the
7 appointment of a member of the board may recall that member and
8 appoint a new member to the vacancy by any method adopted by
9 resolution of a majority of those governing bodies. If the
10 appointment was by election by the taxing units participating in
11 the district, the method of recall and of appointing a new member to
12 the vacancy is not valid unless it provides that each taxing unit is
13 entitled to the same number of votes in the recall and in the
14 appointment to fill the vacancy as the unit [~~it~~] originally cast for
15 the member being recalled.

16 Sec. 6.037. PARTICIPATION OF CONSERVATION AND RECLAMATION
17 DISTRICTS IN APPRAISAL DISTRICT MATTERS. In this title, a
18 reference to the taxing units entitled to vote on the appointment of
19 appraisal district board members includes the conservation and
20 reclamation districts participating in the appraisal district,
21 without regard to whether the conservation and reclamation
22 districts are currently entitled to do so under Section 6.03(c). In
23 a provision of this title other than Section 6.03 or 6.031 that
24 grants authority to a majority or other number of the taxing units
25 entitled to vote on the appointment of appraisal district
26 directors, including the disapproval of the appraisal district
27 budget under Section 6.06 [~~and the disapproval of appraisal~~

1 ~~district board actions under Section 6.10]~~, the conservation and
2 reclamation districts participating in the appraisal district are
3 given the vote or authority of one taxing unit. That vote or
4 authority is considered exercised only if a majority of the
5 conservation and reclamation districts take the same action to
6 exercise that vote or authority. Otherwise, the conservation and
7 reclamation districts are treated in the same manner as a single
8 taxing unit that is entitled to act but does not take any action on
9 the matter.

10 SECTION 5. Section 52.092, Election Code, is amended by
11 adding Subsection (k) to read as follows:

12 (k) The secretary of state shall prescribe procedures for
13 listing the office of appraisal district director on the ballot.

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

15 SECTION 7. (a) The appropriate number of appraisal
16 district directors holding elective positions shall be elected in
17 each appraisal district as provided by Section 6.03, Tax Code, as
18 amended by this Act, and Section 6.032, Tax Code, as added by this
19 Act, beginning with the general election for state and county
20 officers conducted in 2008. Members then elected take office
21 January 1, 2009.

22 (b) The change in law made by this Act does not affect the
23 selection of appraisal district directors serving before January 1,
24 2009.

25 SECTION 8. (a) Except as provided by Subsection (b) of this
26 section, this Act takes effect January 1, 2009.

27 (b) This section and Sections 5 and 7 of this Act take effect

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1 September 1, 2007.