

By: Hill

H.B. No. 3583

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment of the county assessor-collector to the  
3 appraisal district board of directors and the appointment of  
4 additional members to appraisal district boards of directors.

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

6 SECTION 1. Sections 6.03(a), (b), (c), (k), and (l), Tax  
7 Code, are amended to read as follows:

8 (a) The appraisal district is governed by a board of  
9 directors. Five directors are appointed by the taxing units that  
10 participate in the district as provided by this section. Two  
11 directors are appointed by the district judges with jurisdiction in  
12 the county for which the appraisal district is established. The [~~if~~  
13 ~~the~~] county assessor-collector of the county for which the  
14 appraisal district is established is [~~not appointed to the board,~~  
15 ~~the county assessor-collector serves as~~] a [~~nonvoting~~] director.  
16 [~~The county assessor-collector is ineligible to serve if the board~~  
17 ~~enters into a contract under Section 6.05(b) or if the~~  
18 ~~commissioners court of the county enters into a contract under~~  
19 ~~Section 6.24(b).~~] To be eligible to serve on the board of  
20 directors, an individual other than a county assessor-collector  
21 [~~serving as a nonvoting director~~] must be a resident of the district  
22 and must have resided in the district for at least two years  
23 immediately preceding the date the individual takes office. An  
24 individual who is otherwise eligible to serve on the board is not

1 ineligible because of membership on the governing body of a taxing  
2 unit. An employee of a taxing unit that participates in the  
3 district is not eligible to serve on the board unless the individual  
4 is also a member of the governing body or an elected official of a  
5 taxing unit that participates in the district.

6 (b) Members of the board of directors other than a county  
7 assessor-collector [~~serving as a nonvoting director~~] serve  
8 two-year terms beginning on January 1 of even-numbered years.

9 (c) Members of the board of directors, and the members appointed by the district  
10 judges, [~~serving as a nonvoting director~~] are appointed by vote of  
11 the governing bodies of the municipalities [~~incorporated cities and~~  
12 ~~towns~~], the school districts, and, if entitled to vote, the  
13 conservation and reclamation districts that participate in the  
14 district and of the county. A governing body may cast all its votes  
15 for one candidate or distribute them among candidates for any  
16 number of directorships. Conservation and reclamation districts  
17 are not entitled to vote unless at least one conservation and  
18 reclamation district in the district delivers to the chief  
19 appraiser a written request to nominate and vote on the board of  
20 directors by June 1 of each odd-numbered year. On receipt of a  
21 request, the chief appraiser shall certify a list by June 15 of all  
22 eligible conservation and reclamation districts that are imposing  
23 taxes and that participate in the district.

24 (k) The governing body of each taxing unit entitled to vote  
25 shall determine its vote by resolution and submit it to the chief  
26 appraiser before December 15. The chief appraiser shall count the  
27

1 votes, declare the four [~~five~~] candidates who receive the largest  
2 cumulative vote totals elected, and submit the results before  
3 December 31 to the governing body of each taxing unit in the  
4 district and to the candidates. For purposes of determining the  
5 number of votes received by the candidates, the candidate receiving  
6 the most votes of the conservation and reclamation districts is  
7 considered to have received all of the votes cast by conservation  
8 and reclamation districts and the other candidates are considered  
9 not to have received any votes of the conservation and reclamation  
10 districts. The chief appraiser shall resolve a tie vote by any  
11 method of chance.

12 (1) If a vacancy occurs on the board of directors in a  
13 position appointed by the taxing units under this section [~~other~~  
14 ~~than a vacancy in the position held by a county assessor-collector~~  
15 ~~serving as a nonvoting director~~], each taxing unit that is entitled  
16 to vote by this section may nominate by resolution adopted by its  
17 governing body a candidate to fill the vacancy. The unit shall  
18 submit the name of its nominee to the chief appraiser within 45 days  
19 after notification from the board of directors of the existence of  
20 the vacancy, and the chief appraiser shall prepare and deliver to  
21 the board of directors within the next five days a list of the  
22 nominees. The board of directors shall elect by majority vote of  
23 its members one of the nominees to fill the vacancy. If a vacancy  
24 occurs in a position appointed by the district judges, the district  
25 judges entitled to participate in the appointment of a person to the  
26 position shall appoint a person to fill the vacancy.

27 SECTION 2. Sections 6.031(a), (b), and (e), Tax Code, are

1 amended to read as follows:

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

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

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

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

14 SECTION 3. Section 6.033, Tax Code, is amended to read as  
15 follows:

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

1 resolution and the date of its filing to the presiding officer of  
2 the governing body of each taxing unit entitled to vote in the  
3 appointment of board members.

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

15 (c) Not later than the 10th day after the last day provided  
16 by this section for voting in favor of the recall, the chief  
17 appraiser shall count the votes cast in favor of the recall. If the  
18 number of votes in favor of the recall equals or exceeds a majority  
19 of the votes cast for the member in the appointment of the board,  
20 the member appointed by the taxing units participating in the  
21 district is recalled and ceases to be a member of the board. The  
22 chief appraiser shall immediately notify in writing the presiding  
23 officer of the appraisal district board of directors and of the  
24 governing body of each taxing unit that voted in the recall election  
25 of the outcome of the recall election. If the presiding officer of  
26 the appraisal district board of directors is the member whose  
27 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 appointed by the taxing units  
5 participating in the district under this section, the taxing units  
6 that were entitled to vote in the recall election shall appoint a  
7 new board member. Each taxing unit is entitled to the same number  
8 of votes as it originally cast to appoint the recalled board member.  
9 Each taxing unit entitled to vote may nominate one candidate by  
10 resolution adopted by its governing body. The presiding officer of  
11 the governing body of the unit shall submit the name of the unit's  
12 nominee to the chief appraiser on or before the 30th day after the  
13 date it receives notification from the chief appraiser of the  
14 result of the recall election. On or before the 15th day after the  
15 last day provided for a nomination to be submitted, the chief  
16 appraiser shall prepare a ballot, listing the candidates nominated  
17 alphabetically according to each candidate's surname, and shall  
18 deliver a copy of the ballot to the presiding officer of the  
19 governing body of each taxing unit that is entitled to vote. On or  
20 before the 15th day after the date on which a taxing unit's ballot  
21 is delivered, the governing body of the taxing unit shall determine  
22 its vote by resolution and submit it to the chief appraiser. On or  
23 before the 15th day after the last day on which a taxing unit may  
24 vote, the chief appraiser shall count the votes, declare the  
25 candidate who received the largest vote total appointed, and submit  
26 the results to the presiding officer of the governing body of the  
27 appraisal district and of each taxing unit in the district and to

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

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

17 SECTION 4. Section 6.034, Tax Code, is amended to read as  
18 follows:

19 Sec. 6.034. OPTIONAL STAGGERED TERMS FOR CERTAIN MEMBERS OF  
20 THE BOARD OF DIRECTORS. (a) The taxing units participating in an  
21 appraisal district may provide that the terms of the [~~appointed~~]  
22 members of the board of directors appointed by the taxing units  
23 participating in the district be staggered if the governing bodies  
24 of at least three-fourths of the taxing units that are entitled to  
25 vote on the appointment of board members adopt resolutions  
26 providing for the staggered terms. A change to staggered terms may  
27 be adopted only if the method or procedure for appointing board

1 members appointed by the taxing units participating in the district  
2 is changed under Section 6.031 [~~of this code~~] to eliminate or have  
3 the effect of eliminating cumulative voting for board members as  
4 provided by Section 6.03 [~~of this code~~]. A change to staggered  
5 terms may be proposed concurrently with a change that eliminates or  
6 has the effect of eliminating cumulative voting.

7 (b) An official copy of a resolution providing for staggered  
8 terms adopted by the governing body of a taxing unit must be filed  
9 with the chief appraiser of the appraisal district after June 30 and  
10 before October 1 of a year in which board members are to be  
11 appointed by the taxing units participating in the district, or the  
12 resolution is ineffective.

13 (c) Before October 5 of each year in which board members are  
14 to be appointed by the taxing units participating in the district,  
15 the chief appraiser shall determine whether a sufficient number of  
16 taxing units have filed valid resolutions proposing a change to  
17 staggered terms for the change to take effect. Before October 10  
18 the chief appraiser shall notify each taxing unit participating in  
19 the district of a change that is adopted under this section.

20 (d) A change to staggered terms made under this section  
21 becomes effective beginning on January 1 of the next even-numbered  
22 year after the chief appraiser determines that the change has been  
23 adopted. The members of the [~~entire~~] board of directors appointed  
24 by the taxing units participating in the district shall be  
25 appointed for that year without regard to the staggered terms. At  
26 the earliest practical date after January 1 of that year, the board  
27 shall determine by lot which of its members appointed by the taxing

1 units participating in the district shall serve one-year terms and  
2 which shall serve two-year terms in order to implement the  
3 staggered terms. If the number [~~board consists of an even number~~]  
4 of board members appointed by the taxing units participating in the  
5 district is an even number, one-half of those [~~the~~] members must be  
6 designated to serve one-year terms and one-half shall be designated  
7 to serve two-year terms. If the number [~~board consists of an odd~~  
8 ~~number~~] of board members appointed by the taxing units  
9 participating in the district is an odd number, the number of those  
10 members designated to serve two-year terms must exceed by one the  
11 number of members designated to serve one-year terms.

12 (e) After the staggered terms have been implemented as  
13 provided by Subsection (d) [~~of this section~~], the appraisal  
14 district shall appoint annually for terms to begin on January 1 of  
15 each year a number of board members appointed by the taxing units  
16 participating in the district equal to the number of board members  
17 whose terms expire on that January 1, unless a change in the total  
18 number of board members appointed by the taxing units participating  
19 in the district is adopted under Section 6.031 [~~of this code~~] to  
20 take effect on that January 1.

21 (f) If a change in the number of directors appointed by the  
22 taxing units participating in the district is adopted under Section  
23 6.031 [~~of this code~~] in an appraisal district that has adopted  
24 staggered terms for board members appointed by the taxing units  
25 participating in the district, the change must specify how many  
26 members' terms are to begin in even-numbered years and how many  
27 members' terms are to begin in odd-numbered years. The change may

1 not provide that the number of members whose terms are to begin in  
2 even-numbered years differs by more than one from the number of  
3 members whose terms are to begin in odd-numbered years.

4 (g) A change to staggered terms made as provided by this  
5 section may be rescinded by resolution of a majority of the  
6 governing bodies that are entitled to vote on appointment of board  
7 members under Section 6.03 [~~of this code~~]. To be effective, a  
8 resolution providing for the rescission must be adopted by the  
9 governing body and filed with the chief appraiser after June 30 and  
10 before October 1 of an odd-numbered year. If the required number of  
11 resolutions are filed during that period, the chief appraiser shall  
12 notify each taxing unit participating in the district that the  
13 rescission is adopted. If the rescission is adopted, the terms of  
14 all members of the board appointed by the taxing units  
15 participating in the district serving at the time of the adoption  
16 expire on January 1 of the even-numbered year following the  
17 adoption, including terms of members who will have served only one  
18 year of a two-year term on that date. All of the members of the [~~The~~  
19 ~~entire~~] board of directors appointed by the taxing units  
20 participating in the district shall be appointed for two-year terms  
21 beginning on that date.

22 (h) If an appraisal district that has adopted staggered  
23 terms for the members of the board of directors appointed by the  
24 taxing units participating in the district adopts or rescinds a  
25 change in the method or procedure for appointing board members  
26 appointed by the taxing units participating in the district and the  
27 change or rescission results in a method of appointing board

1 members by cumulative voting, the change or rescission has the same  
2 effect as a rescission of the change to staggered terms made under  
3 Subsection (g) [~~of this section~~].

4 (i) If a vacancy in a position appointed by the taxing units  
5 participating in the district occurs on the board of directors of an  
6 appraisal district that has adopted staggered terms for board  
7 members appointed by the taxing units participating in the  
8 district, the vacancy shall be filled by appointment by resolution  
9 of the governing body of the taxing unit that nominated the person  
10 whose departure from the board caused the vacancy, and the  
11 procedure for filling a vacancy provided by Section 6.03 [~~of this~~  
12 ~~code~~] does not apply in that event.

13 SECTION 5. (a) The initial terms of the members of an  
14 appraisal district board of directors appointed by the district  
15 judges as provided by Section 6.03(a), Tax Code, as amended by this  
16 Act, begin January 1, 2008.

17 (b) The county assessor-collector of the county for which  
18 the appraisal district is established begins serving as a voting  
19 member of the appraisal district board of directors as provided by  
20 Section 6.03(a), Tax Code, as amended by this Act, on January 1,  
21 2008.

22 SECTION 6. This Act takes effect January 1, 2008.