

Amend HB 1229 on third reading as follows:

(1) Strike SECTIONS 2 and 3 of the bill and substitute the following SECTIONS, appropriately numbered:

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

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

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

(a-2) To be eligible to serve on the board of directors, an individual, other than a county assessor-collector serving as a nonvoting director, must be a resident of the appraisal district and must have resided in the district for at least two years immediately preceding the date the individual takes office. To be eligible to be elected to the board, an individual must be a resident of the county in which the district is established. An individual who is otherwise eligible to serve on the board as a member appointed by the taxing units participating in the district is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board as a member appointed by the taxing units participating in the district unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors, other than a county assessor-collector serving as a nonvoting director, serve two-year terms. The terms of directors elected at a general election begin on January 1 of odd-numbered years. The terms of directors

appointed by the taxing units begin [~~beginning~~] on January 1 of even-numbered years.

(c) Members of the board of directors, other than a county assessor-collector serving as a nonvoting director and other than the elected members, are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

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

(l) If a vacancy occurs in an appointive position on the board of directors, other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief

appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall appoint ~~elect~~ by majority vote of its members one of the nominees to fill the vacancy.

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

SECTION ____ . Section 6.031, Tax Code, is amended to read as follows:

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

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

(b) The taxing units participating in an appraisal district may increase the number of members on the board of directors of the district to not more than 13 or ~~7~~ change the method or procedure for appointing the members appointed by the taxing units participating in the district, or both, if the governing bodies of three-fourths of the taxing units that are entitled to vote on the appointment of board members adopt resolutions providing for the change. However, a change under this subsection in the method or procedure for selecting members appointed by the taxing units participating in the district is not valid if it reduces the voting

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

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

(d) Before August 15 [~~October 5 of each year in which board members are appointed~~], the chief appraiser shall determine whether a sufficient number of eligible taxing units have filed valid resolutions proposing a change under Subsection (b) for the change to take effect. The chief appraiser shall notify each taxing unit participating in the 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 number of new members shall be elected to the board in the manner provided by Section 6.03. 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) a conservation and reclamation district has filed a request to the chief appraiser to nominate and vote on directors in the current year as provided by Section 6.03(c); or

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

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

Sec. 6.032. BALLOT PROCEDURES FOR ELECTED DIRECTORS; FILING FEE. (a) Except as provided by this section, Chapter 144, Election Code, applies to a candidate for an elective position on an appraisal district board of directors.

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

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

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

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

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

SECTION _____. Sections 6.033 and 6.037, Tax Code, are

amended to read as follows:

Sec. 6.033. RECALL OF APPOINTED DIRECTOR. (a) The governing body of a taxing unit may call for the recall of a member of the board of directors of an appraisal district appointed by the taxing units participating in the district under Section 6.03 [~~of this code~~] for whom the unit cast any of its votes in the appointment of the appointive board members. The call must be in the form of a resolution, be filed with the chief appraiser of the appraisal district, and state that the unit is calling for the recall of the member. If a resolution calling for the recall of a board member is filed under this subsection, the chief appraiser, not later than the 10th day after the date of filing, shall deliver a written notice of the filing of the resolution and the date of its filing to the presiding officer of the governing body of each taxing unit entitled to vote in the appointment of board members.

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

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

whose recall was voted on, the chief appraiser shall also notify the secretary of the appraisal district board of directors of the outcome of the recall election.

(d) If a vacancy occurs on the board of directors after the recall of a member of the board under this section, the taxing units that were entitled to vote in the recall election shall appoint a new board member to the vacancy. Each taxing unit is entitled to the same number of votes as it originally cast to appoint the recalled board member. Each taxing unit entitled to vote may nominate one candidate by resolution adopted by its governing body. The presiding officer of the governing body of the unit shall submit the name of the unit's nominee to the chief appraiser on or before the 30th day after the date it receives notification from the chief appraiser of the result of the recall election. On or before the 15th day after the last day provided for a nomination to be submitted, the chief appraiser shall prepare a ballot, listing the candidates nominated alphabetically according to each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote. On or before the 15th day after the date on which a taxing unit's ballot is delivered, the governing body of the taxing unit shall determine its vote by resolution and submit it to the chief appraiser. On or before the 15th day after the last day on which a taxing unit may vote, the chief appraiser shall count the votes, declare the candidate who received the largest vote total appointed, and submit the results to the presiding officer of the governing body of the appraisal district and of each taxing unit in the district and to the candidates. The chief appraiser shall resolve a tie vote by any method of chance.

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

appointment was by election by the taxing units participating in the district, the method of recall and of appointing a new member to the vacancy is not valid unless it provides that each taxing unit is entitled to the same number of votes in the recall and in the appointment to fill the vacancy as the unit [~~it~~] originally cast for the member being recalled.

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

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

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

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

SECTION _____. (a) The appropriate number of appraisal district directors holding elective positions shall be elected in each appraisal district as provided by Section 6.03, Tax Code, as amended by this Act, and Section 6.032, Tax Code, as added by this

Act, beginning with the general election for state and county officers conducted in 2010. Members then elected take office January 1, 2011.

(b) The change in law made by this Act does not affect the selection of appraisal district directors serving before January 1, 2011.

SECTION _____. (a) As soon as practicable on or after January 1, 2010, the commissioners court of each county with a population of 300,000 or more shall in the manner provided by Section 6.41, Tax Code, as amended by this Act, appoint the members of the appraisal review board for the appraisal district established in the county. In making the initial appointments, the commissioners court shall designate those members who serve terms of one year as necessary to comply with Section 6.41(e), Tax Code, as amended by this Act.

(b) The term of a member of an appraisal review board established in a county with a population of 300,000 or more serving on December 31, 2009, expires on January 1, 2010.

SECTION _____. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect January 1, 2011.

(b) Section 6.41, Tax Code, as amended by this Act, takes effect January 1, 2010.

(c) Section 52.092, Election Code, as amended by this Act, takes effect September 1, 2009.

(2) Renumber the existing SECTION of the bill accordingly.