

By: Howard of Fort Bend

H.B. No. 1088

A BILL TO BE ENTITLED

AN ACT

relating to appraisal review board members.

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

SECTION 1. Section 6.41, Tax Code, is amended by amending Subsections (c), (d), (d-2), (d-3), (e), (f), and (g) and adding Subsection (i) to read as follows:

(c) To be eligible to serve on the board, an individual must:

(1) be a citizen of the United States;

(2) be a resident of the district; and

(3) ~~[must]~~ have resided in the district for at least two years.

(d) Members ~~[Except as provided by Subsection (d-1), members]~~ of the board are appointed by the local administrative district judge in the county in which the appraisal district is established ~~[resolution of a majority of the appraisal district board of directors]~~. A vacancy on the board is filled in the same manner for the unexpired portion of the term.

(d-2) A local administrative district judge ~~[making appointments under Subsection (d-1)]~~ may make ~~[such]~~ appointments under Subsection (d) directly or may, by written order, appoint from three to five persons to perform the duties of appraisal review board commissioner. If the local administrative district judge chooses to appoint appraisal review board commissioners, each

1 commissioner shall possess the same qualifications as those
2 required of an appraisal review board member.

3 (d-3) The local administrative district judge [~~making~~
4 ~~appointments under Subsection (d-1)] shall cause the proper officer
5 to notify the [~~such~~] appointees of their [~~such~~] appointment, and
6 when and where they are to appear.~~

7 (e) Members of the board hold office for terms of two years
8 beginning January 1. The appraisal district board of directors by
9 resolution shall provide for staggered terms, so that the terms of
10 as close to one-half of the members as possible expire each year.
11 In making the initial or subsequent appointments, [~~the board of~~
12 ~~directors or~~] the local administrative district judge or the
13 judge's designee shall designate those members who serve terms of
14 one year as needed to comply with this subsection.

15 (f) A member of the board may be removed from the board [~~by a~~
16 ~~majority vote of the appraisal district board of directors, or~~] by
17 the local administrative district judge or the judge's designee [~~as~~
18 ~~applicable, that appointed the member~~]. Grounds for removal
19 are:

20 (1) ineligibility, including a violation of Section
21 6.412 or [~~7~~] 6.413;

22 (2) a violation of Section [~~7~~] 41.66(f) [~~7~~] or 41.69;
23 or

24 (3) [~~2~~] good cause relating to the attendance of
25 members at called meetings or hearings of the board as established
26 by written policy adopted by a majority of the appraisal district
27 board of directors.

1 (g) Subsection (a) does not preclude the boards of directors
2 of two or more adjoining appraisal districts from providing for the
3 operation of a consolidated appraisal review board by interlocal
4 contract. Members of a consolidated appraisal review board are
5 appointed jointly by the local administrative district judges in
6 the counties in which the appraisal districts that are parties to
7 the contract are established.

8 (i) Service on a board does not constitute employment for
9 the purposes of Chapter 201, Labor Code.

10 SECTION 2. Section 411.1296, Government Code, is amended to
11 read as follows:

12 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT AND APPOINTMENT TO
14 APPRAISAL REVIEW BOARD. (a) Except as provided by Subsection (b),
15 an appraisal district established by Section 6.01, Tax Code, and a
16 local administrative district judge acting under Section 6.41, Tax
17 Code, are [~~is~~] entitled to obtain from the department criminal
18 history record information maintained by the department that
19 relates to a person who is an applicant for employment by the
20 appraisal district or appointment to the appraisal review board for
21 the district, as applicable.

22 (b) An appraisal district and a local administrative
23 district judge are [~~is~~] not entitled to obtain under this section
24 any information about a person if the appraisal district or local
25 administrative district judge, as applicable, is entitled to obtain
26 under another section of this subchapter any criminal history
27 record information about the person.

1 SECTION 3. Section 6.41(d-1), Tax Code, is repealed.

2 SECTION 4. (a) As soon as practicable on or after January
3 1, 2012, the local administrative district judge or the judge's
4 designee in each county, in the manner provided by Section 6.41, Tax
5 Code, as amended by this Act, shall appoint the members of the
6 appraisal review board for the appraisal district established in
7 the county. In making the initial appointments, the judge or
8 judge's designee shall designate those members who serve terms of
9 one year as necessary to comply with Section 6.41(e), Tax Code, as
10 amended by this Act.

11 (b) The changes made to Section 6.41, Tax Code, as amended
12 by this Act, apply only to the appointment of appraisal review board
13 members to terms beginning on or after January 1, 2012. This Act
14 does not affect the term of an appraisal review board member serving
15 on December 31, 2011, if the member was appointed before the
16 effective date of this Act to a term that began before December 31,
17 2011, and expires December 31, 2012.

18 SECTION 5. This Act takes effect January 1, 2012.