

CHAPTER 59

S.B. No. 469

AN ACT

relating to transferring certain duties relating to the administration of an appraisal district from the county clerk to the chief appraiser and revising certain procedures in the appointment of an appraisal district board of directors.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (e), (f), (g), and (h), Section 6.03, Tax Code, as amended, are amended to read as follows:

(e) The *chief appraiser* [~~county clerk~~] shall calculate the number of votes to which each taxing unit is entitled and shall deliver written notice to [~~the presiding officer of the governing body of~~] each unit of its voting entitlement before October 1 of each odd-numbered year. *The chief appraiser shall deliver the notice:*

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

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

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of each school district.

(f) Each taxing unit that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the *chief appraiser* ~~[county clerk]~~ before October 15. Before October 30, the *chief appraiser* ~~[county clerk]~~ shall prepare a ballot, listing the candidates alphabetically according to the first letter in 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.

(g) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the *chief appraiser* ~~[county clerk]~~ before November 15. The *chief appraiser* ~~[county clerk]~~ shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 1 to the governing body of each taxing unit in the district and to the candidates. The *chief appraiser* ~~[county clerk]~~ shall resolve a tie vote by any method of chance.

(h) If a vacancy occurs on the board of directors, 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* ~~[county clerk]~~ within 10 days after notification from the board of directors of the existence of the vacancy, and the *chief appraiser* ~~[county clerk]~~ shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

SECTION 2. Subsections (c) and (d), Section 6.031, Tax Code, are amended to read as follows:

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

(d) Before October 5 of each year in which board members are appointed, the *chief appraiser* ~~[county clerk]~~ shall determine whether a sufficient number of eligible taxing units have filed valid resolutions proposing a change for the change to take effect. The *chief appraiser* ~~[clerk]~~ shall notify each taxing unit participating in the district of each change that is adopted before October 10.

SECTION 3. Subsections (c) and (d), Section 6.061, Tax Code, are amended to read as follows:

(c) An official copy of a resolution under this section must be filed with the *chief appraiser* ~~[county clerk]~~ of the ~~[county the]~~ appraisal district ~~[primarily serves]~~ after April 30 and before May 15 or the resolution is ineffective.

(d) Before May 20, the *chief appraiser* ~~[county clerk]~~ shall determine whether a sufficient number of eligible taxing units have filed valid resolutions proposing a change in the allocation of district costs for the change to take effect. Before May 25, the *chief appraiser* ~~[clerk]~~ shall notify each taxing unit participating in the district of each change that is adopted.

SECTION 4. Section 6.032, Tax Code, as added by Chapter 601, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Subsections (b), (c), (d), and (g) to read as follows:

(b) An official copy of a resolution providing for staggered terms adopted by the governing body of a taxing unit must be filed with the *chief appraiser* [~~county clerk~~] of the [~~county the~~] appraisal district [~~primarily serves~~] after June 30 and before October 1 of a year in which board members are to be appointed, or the resolution is ineffective.

(c) Before October 5 of each year in which board members are to be appointed, the *chief appraiser* [~~county clerk~~] shall determine whether a sufficient number of taxing units have filed valid resolutions proposing a change to staggered terms for the change to take effect. Before October 10 the *chief appraiser* [~~clerk~~] shall notify each taxing unit participating in the district of a change that is adopted under this section.

(d) A change to staggered terms made under this section becomes effective beginning on January 1 of the next even-numbered year after the *chief appraiser* [~~county clerk~~] determines that the change has been adopted. The entire board of directors shall be appointed for that year without regard to the staggered terms. At the earliest practical date after January 1 of that year, the board shall determine by lot which of its members shall serve one-year terms and which shall serve two-year terms in order to implement the staggered terms. If the board consists of an even number of board members, one-half of the members must be designated to serve one-year terms and one-half shall be designated to serve two-year terms. If the board consists of an odd number of board members, the number of members designated to serve two-year terms must exceed by one the number of members designated to serve one-year terms.

(g) A change to staggered terms made as provided by this section may be 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. To be effective, a resolution providing for the rescission must be adopted by the governing body and filed with the *chief appraiser* [~~county clerk~~] after June 30 and before October 1 of an odd-numbered year. If the required number of resolutions are filed during that period, the *chief appraiser* [~~clerk~~] shall notify each taxing unit participating in the district that the rescission is adopted. If the rescission is adopted, the terms of all members of the board serving at the time of the adoption expire on January 1 of the even-numbered year following the adoption, including terms of members who will have served only one year of a two-year term on that date. The entire board of directors shall be appointed for two-year terms beginning on that date.

SECTION 5. Section 6.032, Tax Code, as added by Chapter 273, Acts of the 69th Legislature, Regular Session, 1985, is redesignated as Section 6.033, Tax Code, and is amended to read as follows:

Sec. 6.033 [6.032]. RECALL OF 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 under Section 6.03 of this code for whom the unit cast any of its votes in the appointment of the board. The call must be in the form of a resolution, be filed with the *chief appraiser* [~~county clerk~~] of the [~~county for which the~~] appraisal district [~~is established~~], 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* [~~clerk~~], 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 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* [~~county clerk~~]. Each taxing unit is entitled to the same number of votes in the recall as it cast for that member in the appointment 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* [~~county clerk~~] 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 appointment of the board, the member is recalled and ceases to be a member of the board. The *chief appraiser* [~~county clerk~~] 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* ~~[county clerk]~~ 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. 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* ~~[county clerk]~~ on or before the 30th day after the date it receives notification from the *chief appraiser* ~~[county clerk]~~ 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* ~~[county clerk]~~ 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* ~~[county clerk]~~. On or before the 15th day after the last day on which a taxing unit may vote, the *chief appraiser* ~~[county clerk]~~ 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* ~~[county clerk]~~ shall resolve a tie vote by any method of chance.

(e) If the board of directors of an appraisal district 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, 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 it originally cast for the member being recalled.

SECTION 6. (a) The change in law made by this Act does not affect the validity of a resolution or nomination filed with or submitted to the county clerk or an action taken by the county clerk before the effective date of this Act under a provision of the Tax Code amended by this Act. On and after the effective date of this Act:

(1) a valid resolution or nomination filed with or submitted to the county clerk under the previous law before the effective date continues in effect and is treated as if it were filed with or submitted to the chief appraiser under the law as amended by this Act; and

(2) an action taken by the county clerk under the previous law before the effective date continues in effect and is treated as if it were taken by the chief appraiser under the law as amended by this Act.

(b) On the effective date of this Act, or as soon after that date as practicable, the county clerk shall deliver to the chief appraiser for the appraisal district that serves the county all resolutions and other records in the possession of the clerk that relate to the performance of duties of the clerk under Sections 6.03, 6.031, 6.032, and 6.061, Tax Code, before the effective date of this Act.

SECTION 7. This Act takes effect September 1, 1987.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 26, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on April 23, 1987, by a non-record vote.

Ch. 59, § 8

70th LEGISLATURE—REGULAR SESSION

Approved May 6, 1987.
Effective Sept. 1, 1987.