

BILL ANALYSIS

C.S.H.B. 500
By: Goolsby
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, information contained in exemption applications is to be considered public information and therefore open to public inspection by any person who requests to view it. Since this information includes sensitive data such as driver's license numbers and social security numbers, it is necessary to require the information to be confidential in the same manner as is provided for sales information and income and expense information. Without a change in the law, business entities can use information provided in these applications to solicit property owners to file exemption applications for a fee. In fact, business entities often do solicit property owners for this purpose, targeting senior citizens in particular. The purpose of C.S.H.B. 500 is to maintain the confidentiality of certain information provided in an application for an exemption filed with a chief appraiser, and to create an offense for unauthorized disclosure.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 500 amends Subchapter C, Chapter 11 of the Tax Code to make a driver's license number, personal identification certificate number, or social security account number provided in an application for exemption filed with a chief appraiser confidential and not open to public inspection. The bill prohibits the information from being disclosed to anyone other than an employee of the appraisal office who appraises property. However, the bill contains a list of exceptions that authorize such information to be disclosed:

- 1) in a judicial or administrative proceeding pursuant to a lawful subpoena;
- 2) to the person who filed the application or to the person's representative authorized in writing to receive the information;
- 3) to the comptroller and the comptroller's employees authorized by the comptroller in writing to receive the information or to an assessor or a chief appraiser if requested in writing;
- 4) in a judicial or administrative proceeding relating to property taxation to which the person who filed the application is a party; or
- 5) if and to the extent the information is required to be included in a public document or record that the appraisal office is required by law to prepare or maintain.

C.S.H.B. 500 creates an offense for a person who legally has access to an application for an exemption or who legally obtains the confidential information contained therein and who knowingly allows an unauthorized person to inspect the information or who knowingly discloses confidential information to an unauthorized person. The offense is a class B misdemeanor.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute removes the provision in the original that provided that the complete application for an exemption filed with a chief appraiser is confidential and not open to public inspection. Instead, the substitute provides that a driver's license number, personal identification certificate number, or social security account number provided in an application for an exemption filed with a chief appraiser is confidential and not open to public inspection.

The substitute removes the provision in the original which authorized the disclosure of information made confidential by proposed Section 11.48 of the Tax Code for statistical purposes if in a form that did not identify specific property or a specific property owner.