

BILL ANALYSIS

C.S.H.B. 402
By: Hill
Local Government Ways & Means
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 402 seeks to make it a Class C misdemeanor for members of the board of directors of an appraisal district to communicate with a chief appraiser or for a chief appraiser to communicate with members of the board of directors of an appraisal district on matters relating to the appraisal of a parcel of property, outside an open meeting or other public forum.

Furthermore, CSHB 402 increases the penalties for a member or group of members of an appraisal district board of directors who violate certain provisions of the Open Meetings chapter of the Government Code.

RULEMAKING AUTHORITY

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

ANALYSIS

CSHB 402 amends Section 551.143 of the Government Code by providing a range of penalties for a member or group of members of an appraisal district board of directors who knowingly conspire to circumvent Chapter 551 of the Government Code by meeting in numbers less than a quorum for the purpose of secret deliberations.

Section 551.144 of the Government Code is also amended by providing a range of penalties for a member of an appraisal district board of directors who violates Section 551.144 of the Government Code, relating to closed meetings.

CSHB 402 also adds Section 6.15 to the Tax Code, which prohibits a member of the board of directors of an appraisal district from directly or indirectly communicating with the chief appraiser and vice versa on the appraisal of a parcel of property, except in an open meeting or another public forum, or a closed meeting to discuss pending litigation. An offense under Section 6.15 of the Tax Code is a Class C misdemeanor.

This bill also provides that the changes made to Sections 551.143 and 551.144 of the Government Code apply only to an offense committed on or after the effective date of this Act.

EFFECTIVE DATE

This bill takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

HB 402 made it a Class C misdemeanor for members of the governing board of a taxing unit to communicate with a chief appraiser or a member of the board of directors of an appraisal district on matters relating to the appraisal of property outside an open meeting or other public forum. CSHB 402 changed that language to make it a Class C misdemeanor for members of the board of directors of an appraisal district to communicate with a chief appraiser or for a chief appraiser to communicate with members of the board of directors of an appraisal district on matters relating to the appraisal of specific parcel of property outside an open meeting or other public forum.

CSHB 402 created an exception to allow the board of directors and the chief appraiser to meet in a closed hearing to discuss pending litigation under Sec 6.15 of the bill.