

By: Hill

H.B. No. 402

Substitute the following for H.B. No. 402:

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C.S.H.B. No. 402

A BILL TO BE ENTITLED

AN ACT

relating to a criminal violation of the open meetings law committed by a member of an appraisal district board of directors and to a prohibition on certain communications between a member of the board of directors and the chief appraiser of the district; providing penalties.

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

SECTION 1. Section 551.143, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), an [An] offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

(c) An offense under Subsection (a) committed by a member or group of members of an appraisal district board of directors is a misdemeanor punishable by:

(1) a fine of not less than \$200 or more than \$1,000;

(2) confinement in the county jail for not less than two months or more than one year; or

(3) both the fine and confinement.

SECTION 2. Section 551.144, Government Code, is amended by

amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an ~~[An]~~ offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

(b-1) An offense under Subsection (a) committed by a member of an appraisal district board of directors is a misdemeanor punishable by:

(1) a fine of not less than \$200 or more than \$1,000;

(2) confinement in the county jail for not less than two months or more than one year; or

(3) both the fine and confinement.

SECTION 3. Subchapter A, Chapter 6, Tax Code, is amended by adding Section 6.15 to read as follows:

Sec. 6.15. EX PARTE COMMUNICATIONS; PENALTY. (a) A member of the board of directors of an appraisal district commits an offense if the member directly or indirectly communicates with the chief appraiser on any matter relating to the appraisal of property by the appraisal district, except in:

(1) an open meeting of the appraisal district board of directors or another public forum; or

(2) a closed meeting of the board of directors held to consult with the board's attorney about pending litigation, at which the chief appraiser's presence is necessary for full

1 communication between the board and the board's attorney.

2 (b) A chief appraiser commits an offense if the chief  
3 appraiser directly or indirectly communicates with a member of the  
4 board of directors of the appraisal district on any matter relating  
5 to the appraisal of property by the appraisal district, except in:

6 (1) an open meeting of the board of directors or  
7 another public forum; or

8 (2) a closed meeting of the board of directors held to  
9 consult with the board's attorney about pending litigation, at  
10 which the chief appraiser's presence is necessary for full  
11 communication between the board and the board's attorney.

12 (c) An offense under this section is a Class C misdemeanor.

13 SECTION 4. The changes in law made by this Act to Sections  
14 551.143 and 551.144, Government Code, apply only to an offense  
15 committed on or after the effective date of this Act. An offense  
16 under Section 551.143 or 551.144, Government Code, committed before  
17 the effective date of this Act is governed by the law in effect on  
18 the date the offense was committed, and the former law is continued  
19 in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2007.