

SENATE AMENDMENTS

2nd Printing

By: Hill

H.B. No. 402

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a criminal violation of the open meetings law committed
3 by a member of an appraisal district board of directors and to a
4 prohibition on certain communications between a member of the board
5 of directors and the chief appraiser of the district; providing
6 penalties.

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

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

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

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

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

16 (3) both the fine and confinement.

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

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

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

23 (3) both the fine and confinement.

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

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

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

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

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

8 (3) both the fine and confinement.

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

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

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

15 (3) both the fine and confinement.

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

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

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

25 (2) a closed meeting of the board of directors held to
26 consult with the board's attorney about pending litigation, at
27 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.

ADOPTED

MAY 08 2007

Atty. Gen.
Secretary of the Senate

By: Hill/Dege H.B. No. 402
Substitute the following for H.B. No. 402.
By: [Signature] C.S. H.B. No. 402

A BILL TO BE ENTITLED

AN ACT

1 relating to a prohibition on ex parte communications between a
2 member of the board of directors and the chief appraiser of an
3 appraisal district; providing a penalty.

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

5 SECTION 1. Subchapter A, Chapter 6, Tax Code, is amended by
6 adding Section 6.15 to read as follows:

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

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

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

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

22 (1) an open meeting of the board of directors or
23 another public forum; or
24

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

5 (c) Subsections (a) and (b) do not apply to a routine
6 communication between the chief appraiser and the county
7 assessor-collector that relates to the administration of an
8 appraisal roll, including a communication made in connection with
9 the certification, correction, or collection of an account,
10 regardless of whether the county assessor-collector was appointed
11 to the board of directors of the appraisal district or serves as a
12 nonvoting director.

13 (d) An offense under this section is a Class C misdemeanor.

14 SECTION 2. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 27, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB402 by Hill (Relating to a prohibition on ex parte communications between a member of the board of directors and the chief appraiser of an appraisal district; providing a penalty.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend Section 6 of the Tax Code to create a new Class C misdemeanor offense for ex parte communications between a chief executive officer or governing board members of taxing units and the chief appraiser or board of directors of an appraisal district outside of an open meeting. The provisions of the bill would not apply to routine communications between a chief appraiser and a county assessor-collector that relates to the administration of an appraisal roll.

The bill would take effect September 1, 2007. It would apply only to offenses committed on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, CT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB402** by Hill (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 551 of the Government Code to create new misdemeanor offenses for violations of the open meetings law by any member of an appraisal district board of directors.

Offenses would be punishable by a fine and/or confinement in county jail. The bill would set the minimum fine of \$500 and a maximum fine of \$1,000 for violations and would limit jail confinement to a minimum of two months and a maximum of one year.

The bill would amend Section 6 of the Tax Code to create a new Class C misdemeanor offense for ex parte communications between a chief executive officer or governing board members of taxing units and the chief appraiser or board of directors of an appraisal district outside of an open meeting.

The bill would take effect September 1, 2007. It would apply only to offenses committed on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 14, 2007

TO: Honorable Fred Hill, Chair, House Committee on Local Government Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB402** by Hill (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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 551 of the Government Code to create new misdemeanor offenses for violations of the open meetings law by any member of an appraisal district board of directors.

Offenses would be punishable by a fine and/or confinement in county jail. The bill would set the minimum fine of \$500 and a maximum fine of \$1,000 for violations and would limit jail confinement to a minimum of two months and a maximum of one year.

The bill would amend Section 6 of the Tax Code to create a new Class C misdemeanor offense for ex parte communications between a chief executive officer or governing board members of taxing units and the chief appraiser or board of directors of an appraisal district outside of an open meeting.

The bill would take effect September 1, 2007. It would apply only to offenses committed on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 28, 2007

TO: Honorable Fred Hill, Chair, House Committee on Local Government Ways & Means

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB402 by Hill (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 the chief executive officer or a member of the governing body of a taxing unit and a chief appraiser or a member of an appraisal district board of directors; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 551 of the Government Code to create new misdemeanor offenses for violations of the open meetings law by any member of an appraisal district board of directors.

Offenses would be punishable by a fine and/or confinement in county jail. The bill would set the minimum fine of \$500 and a maximum fine of \$1,000 for violations and would limit jail confinement to a minimum of two months and a maximum of one year.

The bill would amend Section 6 of the Tax Code to create a new Class C misdemeanor offense for ex parte communications between a chief executive officer or governing board members of taxing units and the chief appraiser or board of directors of an appraisal district outside of an open meeting.

The bill would take effect September 1, 2007. It would apply only to offenses committed on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, CT, KJG

