

House Bill 402
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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No equivalent provision.

No equivalent provision.

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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 communication between the board and the board's attorney.

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

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

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

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

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

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

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

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

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

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

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

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

No equivalent provision.

SECTION 2. Same as House version.

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