

## **BILL ANALYSIS**

Senate Research Center  
87R2941 TJB-F

S.B. 334  
By: Johnson  
Local Government  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2188 (2007) added a provision to the Public Information Act (PIA) intended to allow private property information to be shared with appraisal districts while also ensuring the information remained exempt from PIA disclosure. This provision is known as the "MLS exception," referring to the Multiple Listing Service data. Over the intervening years, two issues have emerged with the MLS exception.

First, while information must be provided to a property owner or agent during the protest process, similar language allowing for use in arbitrations does not exist. Thus, the CAD cannot release private property information to an agent who is representing the property owner during arbitration but did not represent that property owner during the protest process. S.B. 334 fixes this by allowing the CAD to release information to the owner or agent during an appeal in addition to a protest.

Second, both the Tax Code and the PIA entitle a property owner or their agent to a copy of the "the data, schedules, formulas, and all other information the chief appraiser will introduce at the hearing" before the Appraisal Review Board. The PIA, however, includes additional language in Section 552.149(b) pertaining to "information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest."

The attorney general has repeatedly denied release of private property information to requestors who sought, based on the language in Section 552.129(b), information for properties they did not represent. In the rulings, the attorney general has maintained that a property owner or agent is only entitled to information that pertains to properties for which the district's valuation is under protest by the owner or agent.

Despite the attorney general's rulings, the conflicting statutes continue to cause unnecessary litigation. S.B. 334 eliminates this inconsistency by removing the statement in Section 552.129(b), bringing the statute in line with its current application.

As proposed, S.B. 334 amends current law relating to disclosure under the public information law of certain records of an appraisal district.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.149(b), Government Code, as follows:

- (b) Authorizes the property owner or the owner's agent, notwithstanding Subsection (a) (relating to an exception for certain information received from a private entity by the Comptroller of Public Accounts of the State of Texas or the chief appraiser of an appraisal district), to, on request, obtain a copy of each item of information described by Section 41.461(a)(2) (relating to certain information the chief appraiser will introduce at a protest hearing), Tax Code, from the chief appraiser of the applicable appraisal district.

Authorizes the property owner or agent, on request, to in addition obtain from the chief appraiser comparable sales data from a reasonable number of sales that is relevant to any matter to be determined by the appraisal review board at the hearing on the property owner's protest or by the arbitrator at the hearing on the property owner's appeal under Chapter 41A (Appeal Through Binding Arbitration), Tax Code, of the appraisal review board's order determining the protest. Provides that information obtained under this subsection remains confidential and may not be disclosed or used for any purpose except as evidence or argument at certain hearings, including the appeal under Chapter 41A, Tax Code.

Deletes existing text authorizing property owners to obtain from the chief appraiser copies of information the chief appraiser considered but did not plan to be introduced at the protest hearing.

SECTION 2. Makes application of Section 552.149(b), Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2021.