

BILL ANALYSIS

S.B. 46
By: Zaffirini
Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that chief appraisers or their authorized representatives may photograph a business establishment's interior without the consent of the establishment's owner for property tax appraisal purposes. The parties assert that this is an invasion of privacy and express concerns that a lack of clarity in the law as to whether such photographs are subject to public information requests could lead to the use of the photographs, which often display expensive inventory, security systems, and even family portraits, to perpetrate crimes if they were to fall into malicious hands. S.B. 46 seeks to address these concerns.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 46 amends the Government Code to make confidential and exempt from statutory provisions relating to the availability requirements of the public information law a photograph that is taken by the chief appraiser of an appraisal district or the chief appraiser's authorized representative for property tax appraisal purposes that shows the interior of an improvement to property. The bill requires a governmental body to disclose such a photograph to a requestor who had an ownership interest in the improvement to property shown in the photograph on the date the photograph was taken. The bill authorizes the officer for public information or the officer's agent to require the requestor, if information requested under state public information law includes such a photograph, to provide additional information sufficient for the officer or the officer's agent to determine whether the requestor is eligible to receive the information as a person who had such an interest in the improvement to property. The bill authorizes the photograph to be used as evidence in and provided to the parties to a protest before an appraisal review board or an appeal of a determination by the appraisal review board if it is relevant to the determination of a matter protested or appealed. The bill specifies that a photograph used as evidence remains confidential in the possession of the person to whom it is disclosed and prohibits the disclosure or use of that photograph for any other purposes.

EFFECTIVE DATE

September 1, 2015.