

BILL ANALYSIS

Senate Research Center
80R10675 JD-F

H.B. 402
By: Hill (Hegar)
State Affairs
4/12/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 402 increases the penalties for a member or group of members of an appraisal district board of directors who violate certain provisions of the Chapter 551 (Open Meetings), Government Code. The bill also creates a misdemeanor offense for communications between a board member and the chief appraiser of an appraisal district if the communications are made outside of an open or other authorized meeting as set forth in the bill.

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 551.143, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Makes a conforming change.

(c) Provides that an offense under Subsection (a) (conspiring to meet in numbers less than a quorum for the purpose of secret deliberations in violation of open meetings laws) committed by a member or group of members of an appraisal district board of directors (board) is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000, confinement in the county jail for not less than two months or more than one year, or both a fine and confinement.

SECTION 2. Amends Section 551.144, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Makes a conforming change.

(b-1) Provides that an offense under Subsection (a) (knowingly participating in a prohibited closed meeting) committed by a member of a board is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000, confinement in the county jail for not less than two months or more than one year, or both a fine and confinement.

SECTION 3. Amends Subchapter A, Chapter 6, Tax Code, by adding Section 6.15, as follows:

Sec. 6.15. EX PARTE COMMUNICATIONS; PENALTY. (a) Provides that a board member 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.

(b) Provides that a chief appraiser commits an offense if the chief appraiser directly or indirectly communicates with a board member on such a matter, except as set forth in this subsection.

(c) Provides that an offense under this section is a Class C misdemeanor.

SECTION 4. Makes application of Sections 551.143 and 551.144, Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.