

BILL ANALYSIS

Senate Research Center
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H.B. 2188
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many privately owned and operated multiple listing services provide information, on a voluntary basis, to appraisal districts regarding the sale of real property. This benefits both parties, as appraisal districts are aided in their valuation of real property and the services have access to complete property tax records, including square footage, and other property retained by appraisal districts. However, the attorney general recently issued an opinion indicating that information provided by a multiple listing service to an appraisal district through a confidentiality agreement is nonetheless subject to open records laws. As such, many of these services have discontinued providing sales information to appraisal districts.

H.B. 2188 exempts real property sales prices, descriptions, characteristics, and other related information from disclosure under open records laws, thereby permitting relationships between these services and appraisal districts to continue.

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 Subchapter C, Chapter 552, Government Code, by adding Section 552.148, as follows:

Sec. 552.148. EXCEPTION: RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY. (a) Provides that information relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller of public accounts or the chief appraiser of an appraisal district under Chapter 6 (Local Administration), Tax Code, is excepted from the requirements of Section 552.021 (Availability of Public Information).

(b) Authorizes the property owner or the owner's agent, on request, to obtain from the chief appraiser of the applicable appraisal district a copy of each item of information described by Section 41.461(a)(2) (data, schedules, formulas, and all other information the chief appraiser plans to introduce at a hearing to establish any matter at issue), Tax Code, before the 14th day preceding the date of a hearing on a property owner's protest brought under Section 41.41 (Right of Protest), Tax Code, notwithstanding Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2007.