

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2188
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State Affairs
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Committee Report (Substituted)

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.

C.S.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, and a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest, notwithstanding Subsection (a). Authorizes the property owner or agent, on request, to 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. Provides that information obtained under this subsection remains confidential in the possession of the property owner and is prohibited from being disclosed or used for any purpose except as evidence or argument at the hearing on the protest.

(c) Authorizes a property owner, school district, or agent of the owner or district, on request, to obtain from the comptroller of public accounts (comptroller) any information, including confidential information, obtained by the comptroller in

connection with the protested finding of the comptroller in order to assist the property owner, school district, or appraisal district in a protest filed under Section 403.303 (Protest), Government Code, notwithstanding Subsection (a) or Section 403.304 (Confidentiality). Provides that confidential information obtained by a property owner, school district, or appraisal district or an agent of the owner or district under this subsection remains confidential in the possession of the property owner and is prohibited from being disclosed to a person who is not authorized to receive or inspect the information.

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