

BILL ANALYSIS

Senate Research Center

S.B. 46
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, chief appraisers or their representatives can photograph a business establishment's interior without the consent of the establishment's owner. This invasion of privacy could lead to public dissemination of certain information placing business owners at great risk of trade secrets exposure, theft, and other crimes. Photographs displaying expensive inventory, security systems, and even family portraits could be used to perpetrate crimes if they fall into malicious hands.

It is uncertain legally whether photographs taken for appraising purposes are subject to open records requests. There is a pressing need for legal certainty regarding the availability of appraisal photographs to the general public via open records requests.

S.B. 46 establishes that any photograph of the interior of a property being appraised for tax assessment purposes is exempt from open records requests.

S.B. 46 amends current law relating to the confidentiality of certain property tax appraisal photographs.

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 552.155, as follows:

Sec. 552.155. EXCEPTION: CONFIDENTIALITY OF CERTAIN PROPERTY TAX APPRAISAL PHOTOGRAPHS. (a) Provides that, except as provided by Subsection (b) or (c), 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 and that shows the interior of an improvement to property is confidential and excepted from the requirements of Section 552.021 (Availability of Public Information).

(b) Requires a governmental body to disclose a photograph described by Subsection (a) to a requestor who had an ownership interest in the improvement to property shown in the photograph on the date the photograph was taken.

(c) Authorizes a photograph described by Subsection (a) to be used as evidence in and provided to the parties to a protest under Chapter 41 (Local Review), Tax Code, or an appeal of a determination by the appraisal review board under Chapter 42 (Judicial Review), Tax Code, if it is relevant to the determination of a matter protested or appealed. Provides that a photograph that is used as evidence:

(1) remains confidential in the possession of the person to whom it is disclosed; and

(2) may not be disclosed or used for any other purpose.

(c-1) Provides that, notwithstanding any other law, a photograph described by Subsection (a) may be used to ascertain the location of equipment used to produce or transmit oil and gas for purposes of taxation if that equipment is located on January 1 in the appraisal district that appraises property for the equipment for the preceding 365 consecutive days.

SECTION 2. Amends Section 552.222, Government Code, by amending Subsection (a) and adding Subsection (c-1), as follows:

(a) Prohibits the officer for public information and the officer's agent from making an inquiry of a requestor except to establish proper identification or except as provided by Subsection (b) (relating to the governmental body requesting clarification on information), (c) (relating to the officer's or officer's agent's request for additional information), or (c-1), rather than except as provided by Subsection (b) or (c).

(c-1) Authorizes the officer for public information and the officer's agent to require the requestor to provide additional information sufficient for the officer or the officer's agent to determine whether the requestor is eligible to receive the information under Section 552.155(b) if the information request includes a photograph described by Section 552.155(a).

SECTION 3. Effective date: September 1, 2015.