

# James L. Keffer



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OPINION COMMITTEE

FILE # ML-43352-07  
I.D. # 43352

November 20, 2003

The Honorable Greg Abbott  
Texas Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

Re: Anderson-Shiro Consolidated School District Nepotism Opinion Request

Dear General Abbott:

At the request of the Anderson-Shiro Consolidated School District, I wish to submit the following question related to the interaction of Tax Code § 6.05(f) with the nepotism statute in Chapter 573 of the Government Code for your opinion.

The Anderson-Shiro Consolidated Independent School Board (A-SCISD) has nominated a school board member as a candidate for the Grimes County Tax Appraisal Board of Directors. The candidate is the son of an individual who works for the Grimes County Appraisal District as a data systems administrator. She is employed by Mr. Bill Sullivan, Chief Appraiser. The data systems administrator/mother has continuously served in her position with the Appraisal District for over fifteen years.

We understand the nepotism prohibition found in Texas Government Code § 573 et. seq. to apply to this situation. The continuous employment exception found in Texas Government Code § 573.062(a), would also ordinarily apply to this situation. If applicable, this statute would allow the ASCISD candidate for the position on the Tax Appraisal Board to serve, if elected, while also allowing his mother to remain in employment as the data systems administrator for the Tax Appraisal District. Texas Tax Code § 6.05(f) does include additional, although not contradictory, language pertaining to a prohibition against nepotism for directors of a Tax Appraisal Board. However, the legislative history of Tax Code § 6.05(f) does not indicate that it was enacted in any effort to require a more stringent application of the nepotism prohibitions to members of a Tax Appraisal District. Instead, it appears that § 6.05(f) was enacted, without the reference to Government Code, Chapter 573, during the 71st Regular Legislative Session. A reference to the former nepotism law was then added in the 72nd Legislative Session. Subsequently, in 1995, that reference was amended to refer to the nepotism law now found in Chapter 573 of the



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Texas Government Code. Because a statute must be read with reference to other laws, ASCISD wonders if the fact that the relevant Tax Code provision refers to Chapter 573 of the Government Code and does not contain contradictory information allow the continuous employment exception to the nepotism prohibitions found in the Texas Government Code to apply to circumstances involving a member of the Board of Directors of the Tax Appraisal Board?

On behalf of Anderson-Shiro Consolidated School District, we would appreciate your assistance in requesting an opinion from the Texas Attorney General in this matter. Should you need or want additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Keffer', written over a horizontal line.

Representative Jim Keffer  
Chairman, Committee for Economic Development