

SUBJECT: Requiring disclosure of information on public entertainment events

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

WITNESSES: For — Carlos Sanchez, Texas Monthly, Texas Freedom of Information Foundation; Shelby Sterling, Texas Public Policy Foundation (*Registered, but did not testify*); Dick Lavine, Center for Public Policy Priorities; Scott Swigert, City of Mont Belvieu; Amanda Gnaedinger, Common Cause Texas; Kelley Shannon, Freedom of Information Foundation of Texas; Cheryl Johnson, Galveston County Tax Office; Adrian Shelley, Public Citizen; Summer Wise, Republican Party of Texas; Cyrus Reed, Sierra Club-Lone Star Chapter; Anna Romero, Texas Association of Broadcasters; Cary Cheshire, Texans for Fiscal Responsibility; Donnis Baggett, Texas Press Association; Bay Scoggin, Texas Public Interest Research Group; Ricardo Lopez-Guerra, The Boeing Company; Julie Wheeler, Travis County Commissioners Court; Sam Bryant; Mark Dorazio; Sheryl Swift)

Against — None

On — (*Registered, but did not testify*): Justin Gordon, Office of the Attorney General)

BACKGROUND: The Public Information Act (Government Code ch. 552) requires governmental bodies to disclose information to the public upon request, unless that information is excepted from disclosure.

Government Code sec. 552.104 creates an exception from disclosure for information that, if released, would give advantage to a competitor or bidder.

DIGEST: HB 81 would designate as subject to the Public Information Act information related to a governmental body's receipt or expenditure of funds in connection with a publicly funded entertainment event that was open to the public. Contracts related to such events would be prohibited from including any provision preventing the disclosure of this information, and any such provision would be void.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019, and would apply only to requests for information received and contracts entered into or renewed on or after that date.

SUPPORTERS SAY: HB 81 would improve the transparency and accountability of local governments by removing a loophole in the Public Information Act. Current law has been interpreted to except from disclosure information related to a publicly funded entertainment event based on the argument that the information's release would give an advantage to competitors for certain contracts. Without this information, the public has only a limited ability to monitor how cities and counties are spending taxpayer money. By clarifying that such information is not excepted and is required to be disclosed to the public if requested, HB 81 would eliminate this loophole in the Public Information Act.

OPPONENTS SAY: No concerns identified.