

BILL ANALYSIS

Senate Research Center
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H.B. 349
By: Canales; Capriglione (Hinojosa)
Business & Commerce
5/16/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend a loophole exists in state public information law that allows some governmental entities to shield from the public certain information relating to public events paid for with public funds. H.B. 349 addresses this issue by making such information accessible to the public.

H.B. 349 amends the Government Code to make certain information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event open to the general public and paid for in whole or part with public funds that is otherwise excepted from the public-availability requirement of state public information law because the information would give an advantage to a competitor or bidder if released public information that is not excepted from required disclosure under state public information law unless expressly confidential under state law. The bill prohibits a person, including a governmental body, from including a provision in a contract related to such an event that prohibits or would otherwise prevent the disclosure of such information and voids a contract provision that violates this prohibition.

H.B. 349 amends current law relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.

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 Section 552.104, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Creates an exception under Subsection (c).

(c) Provides that Subsection (b) (relating to providing that a certain category of information is not excepted from required disclosure) does not apply to information described by Section 552.022(a) (relating to providing that certain categories of information are public information and are not excepted from required disclosure) relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event open to the general public and paid for in whole or part with public funds. Prohibits a person, including a governmental body, from including a provision in a contract related to an event described by this subsection that prohibits or would otherwise prevent the disclosure of information described by this subsection. Provides that a contract provision that violates this subsection is void.

SECTION 2. Provides that the change in law made by this Act applies only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act and a contract entered into or renewed on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2017.