

BILL ANALYSIS

S.B. 596
By: Wentworth
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 552, Government Code, governs what information a governmental body must submit to the public upon request. Chapter 552 exempts from disclosure certain information relating to business transactions, primarily to protect a governmental body's negotiating position. In order to avoid uncertainty as to what information is not subject to disclosure in School Land Board (SLB), Veterans' Land Board (VLB), and General Land Office (GLO) transactions, the 77th Legislature added Section 11.086, Natural Resources Code, to specifically state what transactional information is confidential and exempt from disclosure, and provides that the exemption applies "until a deed for the property is executed."

The purpose of S.B. 596 is to expand the exemption in Section 11.086, Natural Resources Code, to include the disclosure of transactional information that may not involve the transfer of land (no deed required) or that involves multi-deed transactions (sometimes called "take down" transactions), thereby protecting the Permanent School Fund from a competitive disadvantage.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Natural Resources Code to protect information from disclosure relating to the development of real property by or for the SLB, VLB, GLO, or the Commissioner of the GLO, including a contract provision related to the development, purchase, or sale of the property until all deeds for the property that are applicable to the transaction or series of related transactions are executed and until all substantive performance or executory requirements of applicable contracts have been satisfied.

This bill contains an effective date provision (upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007).

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.