

BILL ANALYSIS

C.S.H.B. 1707
By: Geren
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Article 6243h, Section 26, Vernon's Texas Civil Statutes, provides that records of pension system members in the custody of the municipal pension system of a city of 1,500,000 or more are not public information under the Public Information Act and may not be publicly disclosed. This statute has been applied to the employment records of the executive director and board members of the Houston Municipal Employees Pension System (HMEPS).

In Open Records Letter Ruling No. 2003-5957, the attorney general determined that HMEPS was required to release to the public several categories of information including the income, salaries, benefits, and bonuses paid to its executive director and board members. HMEPS filed a lawsuit challenging the attorney general's ruling, and a Travis County District Court ordered HMEPS to comply with the ruling. The Texarkana Court of Appeals overruled the trial court and allowed HMEPS to keep information about pension managers' salaries confidential in *Houston Mun. Employees Pension Sys. v. Abbott*, 192 S.W.3d 862 (Tex.App.—Texarkana 200, pet. denied).

C.S.H.B. 1707 makes certain information relating to the income, salaries, benefits, and bonuses of employees and trustees of public employee pension systems public information.

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

C.S.H.B. 1707 amends the Government Code to establish that information concerning the employment of an employee of a public employee pension system, or concerning the service of a trustee of a public employee pension system, including information concerning the income, salary, benefits, and bonuses received from the pension system by the employee or trustee in the person's capacity as an employee or trustee of the system, is public information under the open records law. The bill provides that such information is neither made confidential nor removed from the application of the open records law, or otherwise excepted from required public availability under that law, by any statute intended to protect the records of persons as members, beneficiaries, or retirees of a public employee pension system in their capacity as such. The bill requires information concerning the employment of an employee or a public employee pension system or concerning the service of a trustee of a public employee pension system to be released only to the extent the information is not excepted from required disclosure.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1707 differs from the original by making technical changes to the format, including separate provisions for pension system employees and trustees, rather than consolidated provisions as in the original. The substitute makes technical corrections and nonsubstantive changes to the original.

C.S.H.B. 1707 differs from the original by specifying that the information is not removed from the application of the open records law, nor made confidential nor otherwise excepted from public availability under that law, by any statute intended to protect the records of persons as members, beneficiaries, or retirees of a public employee pension system in their capacity as such, and deleting provisions of the original that delineate various statutes that are inapplicable.

C.S.H.B. 1707 differs from the original by adding a provision requiring information concerning the employment of an employee of a public employee pension system or concerning the service as trustee of a trustee of a public employee pension system to be released only to the extent the information is not excepted from required disclosure.