

BILL ANALYSIS

Senate Research Center
81R4673 JD-F

S.B. 1630
By: Wentworth
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Public Information Act, if a governmental entity subject to the Act receives a request for information that is available on the Internet, it still must locate, copy, and provide that information. This legislation would allow an entity subject to the Act to comply with the Act by informing the requestor that the information is available on the Internet, providing the location of the information, and offering the person access to a computer terminal at no charge to access the information.

Under current law, if a governmental entity is purchasing or selling real property, the information regarding the transaction is private until the project has formally begun. Completed property appraisals, however, are not exempt from disclosure during this time. Thus, other parties could have access to appraisal information during the negotiations, potentially hurting the bargaining position of the governmental entity. S.B. 1630 expressly states that prior to the formal award of the contract, a completed property appraisal is not public information subject to the Act.

As proposed, S.B. 1630 relates to the availability of information under the public information law.

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 552.105, Government Code, as follows:

Sec. 552.105. EXCEPTION: INFORMATION RELATED TO LOCATION OR PRICE OF PROPERTY. (a) Creates this subsection from existing text. Provides that information is not public information under this chapter if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project; or appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. Deletes existing text providing that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information relating to location or price of property.

(b) Provides that Section 552.022 (Categories of Public Information; Examples) does not apply to information described by Subsection (a).

SECTION 2. Amends Section 552.221(b), Government Code, to provide that an officer for public information complies with Subsection (a) (relating to the requirement that an officer for public information of a governmental body promptly produce public information on application by any person to the officer) by informing the person requesting the information, in writing, that the public information is available on an Internet website that is owned, controlled, or maintained by the governmental body, and accessible to members of the general public; providing the person, in writing, the exact Internet location or uniform resource locator (URL) address where the person can access the public information; and offering the person access to a computer terminal at no charge so that the person can access the public information on the Internet website.

SECTION 3. Amends Section 552.228(a), Government Code, to provide that this policy of a governmental body is considered to be fulfilled if the governmental body complies with Section 552.221(b).

SECTION 4. Effective date: upon passage or September 1, 2009.