

BILL ANALYSIS

H.B. 1630
By: Romero, Jr.
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties report that a settlement of a claim or action against a governmental unit generally must be disclosed under the public information law. The parties emphasize that disclosure is important because such settlements are funded by taxpayer dollars. The parties express concern that disclosure of a settlement agreement often is prevented by a condition of the settlement requiring the accuser to agree not to disclose any fact, allegation, evidence, or other matter to any other person, including a journalist or other member of the media. H.B. 1630 seeks to address this situation and bolster governmental transparency.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1630 amends the Civil Practice and Remedies Code to prohibit a state or local governmental unit from entering into a settlement of a claim or action against the governmental unit in which the amount of the settlement is equal to or greater than \$30,000 and a condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person. The bill establishes that a settlement agreement in violation of the element of that prohibition relating to nondisclosure conditions is void and unenforceable. The bill prohibits a governmental unit from disclosing the personal information of a party seeking affirmative relief unless the party agrees to the disclosure. The bill's provisions do not affect information that is privileged or confidential under other law.

EFFECTIVE DATE

September 1, 2015.