

**BILL ANALYSIS**

C.S.H.B. 349  
By: Canales  
Government Transparency & Operation  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

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. C.S.H.B. 349 seeks to address this issue by making such information accessible to the public.

**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**

C.S.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.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 349 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 552.104, Government	SECTION 1. Section 552.104, Government

Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), the [The] requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

(c) Subsection (b) does not apply to information described by Section 552.022(a) relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other event open to the general public and paid for in whole or part with public funds. A person, including a governmental body, may not include 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. A contract provision that violates this subsection is void.

SECTION 2. The change in law made by this Act applies only to:

- (1) 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
- (2) a contract entered into or renewed on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), the [The] requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

(c) Subsection (b) does not apply to information described by Section 552.022(a) 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. A person, including a governmental body, may not include 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. A contract provision that violates this subsection is void.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.