

BILL ANALYSIS

C.S.H.B. 1082
By: Nevárez
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note a lawsuit in which a state agency claims that its unfinished draft grant applications are exempt from disclosure under state public information law and contend that draft grant applications prepared by or for a state agency or governmental entity with taxing authority should be available to the public under that law. C.S.H.B. 1082 seeks to increase transparency by making the exception from the public availability requirement of such law for agency memoranda inapplicable to such a draft grant application.

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. 1082 amends the Government Code to make the exception to the public availability requirement of state public information law for agency memoranda that would not be available by law to a party in litigation with the agency inapplicable to a draft grant application prepared by or for a state agency or governmental entity with taxing authority after the state agency or governmental entity with taxing authority submits the grant application, after the state agency or governmental entity with taxing authority determines it will not submit the grant application, or after the deadline to submit the grant application has passed.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1082 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

SECTION 1. Section 552.111, Government Code, is amended to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 552.111, Government Code, is amended to read as follows:

85R 27281

17.118.1503

Substitute Document Number: 85R 22070

Sec. 552.111. EXCEPTION: AGENCY MEMORANDA. (a) Except as provided by Subsection (b), an [An] interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency is excepted from the requirements of Section 552.021.

(b) The exception under this section does not apply to a draft grant application prepared by or for a governmental body after:

(1) the governmental body submits the grant application;

(2) the governmental body determines it will not submit the grant application; or

(3) the deadline to submit the grant application has passed.

SECTION 2. The changes in law made by this Act apply only to a request for information received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information received before the effective date of this Act is governed by the law in effect when the request was received, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

Sec. 552.111. EXCEPTION: AGENCY MEMORANDA. (a) Except as provided by Subsection (b), an [An] interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency is excepted from the requirements of Section 552.021.

(b) The exception under this section does not apply to a draft grant application prepared by or for a state agency or governmental entity with taxing authority after:

(1) the state agency or governmental entity with taxing authority submits the grant application;

(2) the state agency or governmental entity with taxing authority determines it will not submit the grant application; or

(3) the deadline to submit the grant application has passed.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.