

By: Watson, et al.

S.B. No. 407

A BILL TO BE ENTITLED

AN ACT

relating to the exception from disclosure under the public information law for information related to competition or bidding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.104, Government Code, is amended to read as follows:

Sec. 552.104. EXCEPTION: INFORMATION RELATED TO COMPETITION OR BIDDING. (a) Except as provided by Subsection (c), information [Information] is excepted from the requirements of Section 552.021 if a governmental body demonstrates that release of the [it is] information [that, if released,] would harm its interests by providing an [give] advantage to a competitor or bidder in a particular competitive situation.

(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) The exception to disclosure provided by Subsection (a) does not apply to:

(1) a bid or proposal, or information contained in a bid or proposal, after the governmental body executes or awards the contract to which the bid or proposal relates; or

1 (2) an account, voucher, or contract, or information
2 contained in or describing an account, voucher, or contract.

3 (d) Section 552.305 does not apply to the exception under
4 this section.

5 SECTION 2. Section 552.305(a), Government Code, is amended
6 to read as follows:

7 (a) In a case in which information is requested under this
8 chapter and a person's privacy or property interests may be
9 involved, including a case under Section 552.101, [~~552.104,~~
10 552.110, or 552.114, a governmental body may decline to release the
11 information for the purpose of requesting an attorney general
12 decision.

13 SECTION 3. The changes in law made by this Act apply only to
14 a request for information received by a governmental body or an
15 officer for public information on or after the effective date of
16 this Act. A request for information received before the effective
17 date of this Act is governed by the law in effect when the request
18 was received, and the former law is continued in effect for that
19 purpose.

20 SECTION 4. This Act takes effect September 1, 2017.