LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 15, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2328** by Lucio III (Relating to an expedited response by a governmental body to a request for public information.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to certain public information law. The bill would set expedited response procedures for requests for public information from a governmental body. The bill establishes the procedures that would require the public information officer who responds to a request under the provisions of the bill to have completed training regarding the responsibilities of the governmental body under this bill. The availability of training and oversight is established at the Office of the Attorney General.

The bill would require a governmental body to demonstrate that release of public information would harm its interests by providing an advantage to a competitor or bidder in a particular competitive situation, rather than giving an advantage to a competitor or bidder, before excepting the information from the requirements of the public information law.

The bill would change the circumstances under which a part, section, or portion of a private entity, that receives or spends public funds or uses real or personal property owned or leased by the state or political subdivision of the state, is included within the definition of "governmental body" for purposes of the public information law.

The bill would clarify that Section 552.101 does not encompass the attorney-client privilege, the work product privilege, other exceptions in Chapter 552, or state or federal discovery privileges. The bill would also clarify that certain statutory exceptions to disclosure do not constitute a compelling reason to withhold the information.

The bill would provide additional provisions regarding the handling of public information by a temporary custodian and the handling and dissemination of information by an officer for public information for a governmental body.

The Office of the Attorney General, Employees Retirement System, Department of Licensing and Regulation, Texas Medical Board, Health and Human Services Commission, Department of Criminal Justice, Office of Court Administration, Texas A&M University System Administration, and University of Texas System Administration anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Texas Municipal League, the bill would have a positive fiscal impact on municipalities; however, the cost cannot be determined at this time.

According to the Texas Association of Counties, the fiscal impact to counties to implement the provisions of the bill is not anticipated to be significant.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 529 Health and Human Services Commission, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, SD, JSm, LBO, NV, JQ, KVe, TBo, JGA