

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 3, 2017

TO: Honorable Sarah Davis, Chair, House Committee on General Investigating & Ethics

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4066 by Gooden (Relating to the right of certain elected public officers to information of certain governmental and public entities; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to grant public officers a right of access to any public information, including confidential information, from the governmental entity to which the officer is elected. The bill would also authorize the public officer to provide the information to their attorney if the governmental entity authorizes the release of the information or receives a confidentiality agreement. If the public officer's attorney disagrees with the governmental entity's assessment that the requested information is confidential, the attorney may challenge the assessment by seeking a decision from the Attorney General's office. The bill would require the Office of the Attorney General (OAG) to adopt rules establishing procedures and deadlines for decisions by the attorney general regarding confidentiality or disclosure, as described in the bill.

No significant fiscal impact is anticipated by the Office of Court Administration, Texas Department of Criminal Justice and University of Texas System Administration. OAG estimates additional responsibilities could be absorbed within existing resources.

Local Government Impact

The bill creates an offense if a public information officer is criminally negligent in failing or refusing to provide information to a requestor under provisions of the bill. The offense is a Class A misdemeanor, which is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

According to the Texas Association of Counties, the fiscal impact from potential liability to counties cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 327 Employees Retirement System, 696 Department of Criminal Justice, 720 The University of Texas System Administration

LBB Staff: UP, KK, MMe, PM, GDz, JSm, JGA