

SUBJECT: Making travel vouchers for state official security details confidential

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 7 ayes — S. Miller, Fletcher, Beck, Driver, Flynn, Mallory Caraway, Peña
2 nays — Burnam, Walle

WITNESSES: For — None

Against — William Christian, Cox Texas Newspapers, LP, Hearst LLC; Doug Toney, Texas Daily Newspaper Association, Texas Press Association, New Braunfels Herald-Zeitung; (*Registered, but did not testify*: Keith Elkins, Freedom of Information Foundation of Texas; Michael Schneider, Texas Association of Broadcasters)

On — Phillip Adkins, Texas Department of Public Safety

BACKGROUND: Government Code, ch. 660 allows for reimbursement for meals and lodging for state officials and employees traveling on official business. Government Code, sec. 660.027 requires that the state agency authorizing the travel submit a voucher to the comptroller for payment.

Government Code, ch. 552, or the Public Information (Open Records) Act, provides that public information about state government be available to the public.

DIGEST: HB 3131 would amend Government Code, ch. 660, to exempt travel vouchers submitted by the security detail for elected officials and their families from public disclosure under the Public Information Act. The restriction also would apply to any peace officer providing protection to a state elected official or that official's family.

The bill would require a state agency to release a summary of vouchers paid or of any goods and services acquired upon a request by any person.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2011. The restrictions would apply to any voucher not already released as of the effective date of the bill.

**SUPPORTERS
SAY:**

HB 3131 would provide security for Texas elected officials by limiting the sensitive information that could be made available to potential terrorists and others wishing to harm them or their families. Some of the details should not be made public before or while the trip is in progress. For example, Gov. Perry is a nationally renowned figure who travels frequently out of the state and throughout the world. Other elected officials also represent Texas when they travel. Withholding details on official trips on behalf of the state would a prudent and reasonable safety precaution.

HB 3131 would allow for release of aggregate totals of travel expenses and a general description of how the money was spent. This information would be readily available for review by news organizations and private citizens. The public would be able to determine how taxpayer money was being spent on official travel.

Potential life-threatening danger to elected officials is a real concern, as evidenced by the recent shooting of Arizona Congresswoman Gabrielle Giffords and other individuals at a public event last January. Elected officials from all levels may be at risk and should have the option of having a security detail and keeping details of their operations confidential.

**OPPONENTS
SAY:**

HB 3131 would deny the public its right to know about the government in the guise of protecting homeland security. The security risk of releasing this information would be minimal. As a practical matter, detailed travel vouchers are not filed until weeks after trips. It is highly unlikely that a potential terrorist or assassin would file an Open Records Law request to obtain information about security detail expenses for official travel.

Providing aggregate information on expenditures still would not provide citizens with sufficient details about travel by state officials. In October 2010, the *Houston Chronicle* reported that the taxpayers spent almost \$1 million for security during 23 foreign trips taken by Gov. Perry and his wife, Anita, over seven years. The Associated Press reported that a one-week economic development trip to Asia totaled \$129,000 in expenses for the Department of Public Safety. Taxpayers should be able to see in full detail how those public dollars were spent. They have a right to know

whether the itinerary included the most expensive hotels and restaurants, especially during the current fiscal crisis. HB 3131 would shield the public from learning this information.

OTHER
OPPONENTS
SAY:

HB 3131 should limit the restriction for security details for only the governor and selected top elected officials. Not all Texas elected officials have high-visibility profiles that would create undue risks for them. The proliferation of security details for government officials at all levels is more a reflection of their own self-importance rather than any realistic assessment of risk.

NOTES:

The companion bill, SB 1923 by Wentworth, was referred to the Senate Select Committee on Open Government on May 2.