

**SUBJECT:** Subjecting nonprofit organizations that support CPRIT to open records

**COMMITTEE:** Transparency in State Agency Operations, Select — favorable, without amendment

**VOTE:** 6 ayes — Alvarado, Flynn, Larson, Martinez Fischer, Perry, Price  
0 nays  
2 absent — N. Gonzalez, Johnson

**SENATE VOTE:** On final passage, April 16 — 29-0

**WITNESSES:** For — (*Registered, but did not testify:* Donnis Baggett, Texas Press Association; Ashley Chadwick, Freedom of Information Foundation of Texas)  
Against — None

**BACKGROUND:** Business Organizations Code, ch. 22, subch. H, mandates annual financial reporting for nonprofit organizations and requires that nonprofit financial records be available for public inspection.  
Government Code, ch. 552, known as the Public Information Act, governs public access to information that is collected or maintained in connection with the transaction of official business by a governmental body.

**DIGEST:** SB 895 would make records of a nonprofit organization established to provide support to the Cancer Prevention Research Institute of Texas (CPRIT) subject to the Public Information Act.  
This 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, 2013.

**SUPPORTERS SAY:** SB 895 would be a simple measure to increase the transparency of operations for a nonprofit organization, such as the CPRIT Foundation — now known as the Texas Cancer Coalition — that formed to provide

financial assistance to CPRIT. The bill would address concerns that have arisen that communications from the former CPRIT Foundation were shielded from disclosure as public information.

While some laws currently on the books subject nonprofit financial records to disclosure, these requirements do not extend to communications and other records that shed light on organizational operations. Since the affairs of any organization formed to support CPRIT could have a bearing on public matters and taxpayer dollars, they should be subject to the same public information requirements that govern state agencies.

**OPPONENTS  
SAY:**

SB 895 could hinder the operations of a nonprofit organization founded to support CPRIT, such as the Texas Cancer Coalition. Fulfilling public information requests under ch. 552 is often a laborious and time-consuming enterprise. Any measures that increase administration costs would tie up resources available for fundraising to support cancer research.