

## **BILL ANALYSIS**

Senate Research Center  
77R11594 JRD-D

C.S.S.B. 1182  
By: Wentworth  
State Affairs  
4-10-2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Within the Texas statutes, Section 552.022, Government Code, states that certain categories of public information are accessible to the public and are not excepted from disclosure under Chapter 552 (Public Information Act) unless they are expressly confidential under other law. In a recent court case, the issue was raised as to whether or not a government body was required under Section 552.022 to disclose to the media a report prepared by a consulting expert in connection with pending and anticipated litigation. The Texas Supreme Court held that if documents are privileged or confidential under the Texas Rules of Civil Procedure or Texas Rules of Evidence, the documents are considered to be “confidential under other law” within the meaning of Section 552.022 and do not have to be disclosed. C.S.S.B. 1182 amends the Public Information Act to clarify that the exceptions contained in Subchapter C of this Act regarding the litigation or settlement negotiations involving a governmental body and matters within the attorney-client privilege apply to certain categories of information listed in Section 552.022 of the Government Code.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.022, Government Code, as follows:

Sec. 552.022. New heading: CERTAIN CATEGORIES OF PUBLIC INFORMATION. Provides that without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under law:

- a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Sections 552.103, 552.107, 552.108; or to the extent the report, audit, evaluation, or investigation contains attorney work product excepted from required disclosure under Section 552.111; and
- information that is in a bill for attorney’s fees and that is not privileged under the attorney-client privilege under Section 552.107.

Provides that for purposes of this chapter the Texas Rules of Civil Procedure, the Texas Rules of Evidence, and the Texas Disciplinary Rules of Professional Conduct are not considered to be law that expressly makes information confidential; and a state agency rule is considered to be law that expressly makes information confidential only if the agency has specific statutory authority to make the information confidential by rule.

SECTION 2. Amends Section 552.104, Government Code, to provide that the requirement of Section 552.022 that a category of information listed under a certain subsection 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.

SECTION 3. Amends Section 552.131, Government Code, as added by Chapter 405, Acts of the 76th Legislature, Regular Session, 1999, to make a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Differs from As Filed version by adding a new heading and adding new text for clarity.

SECTION 2. Adds a new SECTION 2 regarding exceptions for information related to competition or bidding.

SECTION 3. Renumbers proposed SECTION 2 as SECTION 3.

SECTION 4. Renumbers proposed SECTION 3 as SECTION 4.

SECTION 5. Renumbers proposed SECTION 4 as SECTION 5.