

**PASSED OR VETOED**  
**OPEN GOVERNMENT / NEWSROOM-RELATED BILLS**  
**83<sup>rd</sup> Texas Legislature, Regular Session**

**Legislation That Positively Affects Newsrooms**

**HB 13 – State Pension Review Board**

**By Rep. Bill Callegari, R-Katy**

Increases transparency by amending the Government Code to require public retirement systems to post annual financial reports on its public website, as well as establish policies for ethics and conflicts of interest for voluntary use by any public pension plan. In addition, the bill requires the State Pension Review Board to develop a model ethical standards and conflict-of-interest policy for voluntary use by public retirement systems.

*Effective 5/24.*

**HB 16 – State Agency Internal Audits**

**By Rep. Dan Flynn, R-Van**

Texas state agencies currently are required to make financial statements public. HB 16 says internal audits of state agencies should also be public information and requires state government to post them on the agency's website.

*Effective 6/14.*

**HB 31 – Universities / TOMA / TPIA**

**By Rep. Dan Branch, R-Dallas**

Requires university boards of regents and university systems to post the agenda and meeting materials in advance of Internet meetings as allowed by the Texas Open Meetings Act. However, written materials that the general counsel or other appropriate attorney for the institution or university system certifies as confidential, or that may already be withheld from public disclosure, do not have to be posted.

*Effective 6/14.*

**HB 195 – Political Contribution Reports**

**By Rep. Joe Farias, D-San Antonio**

Requires the political contribution reports filed by county and city office holders to be posted on those entities' websites. It's bracketed to apply only to cities and counties with populations more than 500,000. This bill was filed in the last session and made it across to the Senate only to die in the Senate State Affairs Committee.

*Effective 9/1.*

### **HB 343 – School Boards / Financial Statements**

**By Rep. Marisa Marquez, D-El Paso**

Requires school board members, in districts in counties of 800,000 residents or larger, to file financial disclosure statements with the Texas Ethics Commission. In recent years, a number of school board members in El Paso County have been indicted or convicted of bribery and/or mail fraud with regard to contracts awarded by certain school boards.

*Effective 1/1/14.*

### **HB 483 – Public Hearing / Contract Amounts**

**By Rep. Jimmie Don Aycock, R-Killeen**

Requires local governments to hold at least one public hearing when deciding to pay an employee or former employee more than an amount owed under a contract.

*Effective 6/14.*

### **HB 584 – Foreclosure Sale Notice**

**By Rep. Eddie Rodriguez, D-Austin**

Requires counties to post a notice of foreclosure sale filed with the county clerk on the county's website without charge or registration.

*Effective 9/1.*

### **HB 628 – School District Board of Trustees**

**By Rep. Tony Dale, R-Cedar Park**

You think your newsroom has trouble getting school districts to release public information? This law says a member of the board of trustees of a school district has an inherent right of access to information, documents, and records maintained by the district, and the district shall provide the information, documents, and records to the member without requiring the member to submit a public information request under Chapter 552, Government Code. Some school districts were requiring their own board trustees to file TPIA requests to get information on school district operations.

*Effective 9/1.*

### **HB 1128 – Efficiency Suggestion Box**

**By Rep. Abel Herrero, D-Robstown**

Requires an online state agency "suggestion box." State Agencies of 1,500 employees or more (excluding colleges/universities) would be required to have an online suggestion box for employees to make cost savings suggestions and recommendations.

*Effective 9/1.*

### **HB 1271 – Legislative Links**

**By Rep. Trey Martinez Fischer, D-San Antonio**

Requires the Texas Legislative Council, to the extent possible, to include a direct link to any cross-referenced statute contained within a bill in the electronic version of the bill available online on the state legislative website.

*Effective 5/24.*

**HB 1422 – Lobbyist Registration****By Rep. Charlie Geren, R-Fort Worth**

Requires lobbyists to disclose the names of lawmakers who pay them using campaign funds for services, including political consulting.

*Effective 9/1.*

**HB 1435 – Landfill Disclosure****By Rep. Drew Darby, R-San Angelo**

General bill on notices, reports, and descriptions provided by or filed with court and county clerks. Includes a provision to require more record keeping for deeds to land formerly used as wastefills. The records are public.

*Effective 9/1.*

**HB 1487 – State Expenditure Databases****By Rep. Linda Harper-Brown, R-Irving**

Amends existing law concerning the searchable online state expenditure database maintained by the State Comptroller's office. The database allows users to search and aggregate state funding by any element of information and ascertain through a single search the total amount of state funding awarded to a person by a state agency. It also allows a download of such information. HB 1487 adds that for a state expenditure in the form of a grant, users must be able to ascertain the specific purposes for which the grant money was used.

*Effective 9/1.*

**HB 1608 – Cell Phone Information / Tracking****By Rep. Bryan Hughes, R-Mineola**

Allows law enforcement to seek the information necessary to allow tracking of the location of an individual's cell phone for purposes of an investigation. The application may be sealed up to 180 days with an additional 180 day period allowed. Interestingly, this bill also calls for an annual report to the state by phone service providers on the number of requests made by law enforcement for information of this type. It also requires prosecutors to prepare an annual report on the number and types of warrants requested of this type, the number of arrests made as a result, number trials commenced, number of convictions as a result. The report is public information.

*Attached as amendment to HB 2268. Effective 6/14.*

**HB 1642 – Houston Port Authority****By Rep. Dennis Bonnen, R-Angleton**

Amends existing law which created the Port of Houston Authority in many areas including additional ethics, whistleblower, transparency and auditing safeguards. Requires port commissioners to be trained in the requirements of laws relating to open meetings, public information, administrative procedure, financial disclosure, and conflicts of interest.

*Effective 9/1.*

## **HB 1759 – Corrections / Retractions**

**By Rep. Todd Hunter, R-Corpus Christi**

Establishes a uniform process for broadcasters and newspapers to issue retractions, clarifications or corrections, thereby minimizing their legal exposure under such situations. TAB is joining forces with the Texas Press Association in the effort to pass HB 1759. The bill limits not only the eligibility to file a defamation claim but also the punitive damages that could be sought. Thirty other states have retraction statutes dating as far back as 1882. In 1993 the Uniform Law Commission adopted the Uniform Correction or Clarification of Defamation Act as a means of promoting the concept to other states. Among the bill's key provisions:

- encourages individuals to come forward in a timely manner if a mistake has been made in the broadcast or publication of a story and gives a newsroom the opportunity to correct, clarify or withdraw false content believed to have damaged the individual's reputation.
- limits litigation exposure if a newsroom complies with statute by correcting mistakes in a timely and prominent manner intended to reach the same audience the original mistaken story reached.
- if the correction or clarification is done in accordance with the statute, then a prevailing plaintiff cannot receive punitive damages unless they can make a showing of actual malice.
- applies to all defamations, whether public or private, media or non-media, thus establishing a simplified structure for the resolution of all disputes.
- requires permanent attachment of correction, clarification or apology if published on the Internet.

NOTE: TAB is preparing guidance for newsrooms on the practical implications of this bill on newsroom operations.

*Effective 6/14.*

## **HB 2012 – Teacher Salaries**

**By Rep. Mike Villarreal, D-San Antonio**

Requires the TEA to prepare a school district salary survey and cost of living analysis to be posted on the agency's website.

*Effective 9/1.*

## **HB 2112 – Planning Commissions / Financial Reports**

**By Rep. Richard Raymond, D-Laredo**

Gives counties the option of deciding to require members of a county planning commission to file financial reports. Currently, members of these commissions must file financial reports with the Texas Ethics Commission.

*Effective 9/1.*

**HB 2268 – Search Warrants / Data / Electronic Communications****By Rep. John Frullo, R-Lubbock**

Allows Texas law enforcement to serve data search warrants directly to out of state companies. Also includes provisions of HB 1608 and HB 3164.

*Effective 6/14.*

**HB 2362 – River Authorities****By Rep. Jim Keffer, R-Eastland**

Requires state review of the efficiency of river authorities. Requires a state review and analysis, of which all information, documentary or otherwise, prepared or maintained in conducting the review and analysis or preparing the review report, including intra-agency and interagency communications and drafts of the review report or portions of those drafts, is excepted from required public disclosure as audit working papers under Section 552.116 of the TPIA.

*Effective 9/1.*

**HB 2377 – State Video and Photos / Political Advertising****By Rep. Charlie Geren, R-Fort Worth**

Prohibits audio-visual materials produced by House or Senate media from being used in political advertising.

*Effective 9/1.*

**HB 2414 – Texas Open Meetings Act****By Rep. Angie Chen Button, R-Houston**

Authorizes a member of a governmental body to participate remotely in a meeting by videoconference call and allows a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: be broadcast in real time on a generally-accessible internet website for viewing and listening by the public; provide a physical space for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location at least one agent of the governmental body to conduct the videoconference broadcast and to facilitate public participation. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation and the internet web address in which the meeting would be broadcast.

*Effective 6/14.*

**HB 2465 – Voter Status****By Rep. Joe Farias, D-San Antonio**

Individuals can currently check their voter registration status on the Secretary of State's website. HB 2465 requires that webpage, to the extent practicable, to indicate if the person is or may be on the voter suspense list.

*Effective 9/1.*

**HB 2668 – Junior College Districts / TOMA****By Rep. Hubert Vo, D-Houston**

Creates a Texas Open Meetings Act requirement for junior colleges – Internet posting of meeting materials and broadcasts of open meetings. It applies only to the governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year.

*Effective 6/14.*

**HB 2719 – Inmate Background Study****By Rep. Ryan Guillen, D-Rio Grande City**

Creates a state effort to document the number of prison inmates who have at one time been in the conservatorship of a state agency responsible for providing child protective services. The report from the study would be publicly available.

*Effective 9/1.*

**HB 2935 – Anti-SLAPP / Interlocutory Appeals****By Rep. Todd Hunter, R-Corpus Christi**

Clarifies appropriate jurisdiction for cases brought under the anti-SLAPP litigation law TAB and other media groups passed in 2011. It was amended on the Senate floor to also do the following:

- provide some latitude in what were strict deadlines for the hearing on a motion to dismiss to take place
- expressly state that an anti-SLAPP motion shall be granted if the movant can establish an affirmative defense (i.e. lack of actual malice, substantial truth, privilege, etc.) by a preponderance of the evidence.
- adds “insurance services” to the commercial speech exemption and indicates that the anti-SLAPP statute does not apply to lawsuits brought under the Insurance Code or arising out of an insurance contract.

*Effective 6/14.*

**HB 3164 – Search Warrants / Email****By Rep. Jonathan Stickland, R-Bedford**

Requires search warrants for access to email or other electronic messages or data stored by Internet service providers and “cloud” type services. *Attached as amendment to HB 2268.*

*Effective 6/14.*

## **HB 3357 – TPIA / Teachers Retirement System of Texas**

**By Rep. Bill Callegari, R-Katy**

General bill on the Teachers Retirement System of Texas, but in its original form included a provision allowing the retirement systems to withhold information without review of the Texas Attorney General. A similar provision in the Employee Retirement System of Texas added last session has proven disastrous for tracking the financial health of that retirement system. In a move praised by Open Government advocates, Chairman Callegari removed that provision from the adopted committee substitute bill. Sadly, lawmakers were unable to remove a similar provision enacted in the 82<sup>nd</sup> Texas Legislature for the Employees Retirement System of Texas. *Effective 6/14.*

## **SB 2 – Charter Schools**

**By Sen. Dan Patrick, R-Houston**

Requires the governing body of a charter holder and the governing body of an open-enrollment charter school, not later than 48 hours before the scheduled start of a meeting of the governing body, to post the meeting agenda on the charter holder's or school's Internet website, as applicable, and requires the State Commissioner of Education to adopt rules as necessary to administer this requirement. The bill requires the Commissioner to provide by rule for meetings by telephone or video conference call where a quorum of the governing body of a charter holder or charter school is not physically present at one meeting location and sets out certain requirements applicable to those rules. These include requiring each part of the meeting that is required to be open to the public to be audible to the public at a location within the geographical area served by the open-enrollment charter school; requiring audio recording of the meeting and for the recording to be made available to the public; requiring the location of the meeting that is open to the public to provide two-way communication during the entire meeting; and requiring the identification of each party to the conference call to be clearly stated before the party speaks.

*Effective 9/1.*

## **SB 149 – Cancer Prevention and Research Institute of Texas**

**By Sen. Jane Nelson, R-Flower Mound**

General overhaul bill for the troubled Cancer Prevention and Research Institute of Texas. SB 149 creates oversight to make sure grants are awarded properly. The bill bars agency employees from having business relationships with grant recipients and prevents CPRIT employees or overseers from serving on the governing board of an entity receiving a grant. It also requires the agency's nonprofit foundation to publicly report financial information and ban grant awards to foundation donors and establishes a compliance program to make sure all requirements are followed.

*Effective 6/14.*

**SB 152 – State Hospitals / Abuse Reports****By Sen. Jane Nelson, R-Flower Mound**

Requires the state to compile annual reports of abuse, neglect, exploitation, drug use and death in state hospitals for the elderly, disabled or children. The reports will be aggregate statistical information and will be public.

*Effective 6/14.*

**SB 176 – Consultant Reports****By Sen. John Carona, R-Dallas**

Requires a consulting services contract to include provisions that allow the state agency contracting with the consultant and any other state agency and the legislature, at the contracting state agency's discretion, to distribute the consultant report, if any, and to post the report on the agency's Internet website or the website of a standing committee of the legislature. A senate committee amendment clarified that the bill does not affect the application of the Texas Public Information Act to a consultant's report.

*Effective 6/14.*

**SB 201 – State Preservation Board****By Sen. Brian Birdwell, R-Granbury**

Allows certain members of the Texas State Preservation Board (governor, lieutenant governor, and speaker) to designate a representative to act, including the ability to vote, on behalf of the member during a board meeting.

*Effective 9/1.*

**SB 209 – State Commission Judicial Conduct****By Sen. Joan Huffman, R-Houston**

Requires the commission to hold an open public meeting at least once every year to seek public input on the commission's mission and operations. Notice of a public hearing must be given to the secretary of state. The bill also requires the secretary of state to post the notice on the Internet for at least seven days before the hearing and to provide members of the public access to view the notice in the manner specified for an open meeting of a governmental body with statewide jurisdiction under Section 551.044 of the Texas Open Meetings Act.

*Effective 9/1.*

**SB 246– Electronic OAG Request for Opinion****By Sen. Royce West, D-Dallas**

Allows those individuals who are authorized by law to request a formal attorney general opinion to submit requests electronically. Under current law, the only way for someone to request a formal opinion from the Attorney General is to file that request through certified or registered mail, with return receipt requested. In OAG's experience, most requests for formal opinions are sent electronically (via e-mail) or through the regular U.S. mail. This may help speed up, slightly, the decision making process for potential release of information.

*Effective 9/1.*



**SB 279 – Data Sets****By Sen. Kirk Watson, D-Austin**

Creates even more access to state agency high-value data sets on the Internet. It augments a bill Sen. Watson passed last session creating access to the data sets which include, but are not limited to, data that are critical to the financial and programmatic function of state agencies. These can contain a wealth of information for original reporting on how state agencies are utilizing taxpayer dollars to provide state services. Thanks to Watson's efforts in 2011, such data are now accessible in an open standard, raw data format that's free for the public to download, analyze, and use.

*Effective 9/1.*

**SB 293 – Open Meetings / Water Districts****By Sen. Tommy Williams, R-The Woodlands**

Allows river authorities, groundwater conservation districts, water control and improvement districts (with land in 3 or more counties) to meet by telephone and videoconference as allowed by the Texas Open Meetings Act.

*Effective 5/10.*

**SB 471 – Texas Open Meetings Act / Recording Meetings****By Sen. Rodney Ellis, D-Houston**

In its original form, amended the Texas Open Meetings Act by removing the word "tape" from the existing law requiring recordings of meetings. By doing so, it brought the law into the largely tapeless, digital age. TAB and others asked for and got a clarification in the proposal that would indicate audio must be included in any video recordings of proceedings.

*Effective 5/18.*

**SB 656 – Cities / Budget and Tax Record Votes****By Sen. Ken Paxton, R-McKinney**

Requires municipalities to have record votes on tax rates and when approving budgets. Also calls for notice requirements when a tax rate or budget is increased from the previous year as well as Internet posting of the same.

*Effective 9/1.*

**SB 692 – County Officers / Personal Financial Statements****By Sen. John Carona, R-Dallas**

Requires all county officials and candidates for county office to file the required personal financial statements electronically with the county clerk or other county officer as designated by the respective commissioners court.

*Effective 9/1.*

**SB 733 – Texas Automobile Insurance Plan Association**

**By Sen John Carona, R-Dallas**

Requires committees of the Texas Automobile Insurance Plan Association to adhere to the Texas Open Meetings Act including the provisions set forth for telephonic or video conferencing of meetings.

*Effective 5/18.*

**SB 894 – Public / Private Development of Capitol Complex**

**By Sen. John Whitmire, D-Houston**

Creates more legislative oversight when public-private partnerships are under consideration in the Capitol complex, the roughly five square city block area north of the Capitol. Sen. Whitmire was concerned after news reports indicated a 47-story mixed-use tower was under consideration at the north end of the Capitol complex as part of a public-private partnership.

*Effective 6/14.*

**SB 895 – Cancer Prevention and Research Institute of Texas**

**By Sen. Wendy Davis, D-Fort Worth**

Requires the records of a nonprofit organization established to provide support to the Cancer Prevention and Research Institute of Texas to be public.

*Effective 6/14.*

**SB 902 – Water Districts / TOMA**

**By Sen. Troy Fraser, R-Horseshoe Bay**

An omnibus bill covering the 1,300 active water districts within the State of Texas, it contains open meeting provisions for district operations.

*Effective 9/1.*

**SB 916 – Texas Bioenergy Policy Council / Texas Bioenergy Research Committee**

**By Sen. Craig Estes, R-Wichita Falls**

Clarifies, for Texas Open Meetings Act purposes, what constitutes a quorum of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee. It also allows the Council and the Committee to meet by conference call or videoconference under the provisions set for in the TOMA.

*Effective 6/14.*

**SB 983 – In Camera Review / TPIA**

**By Sen. Rodney Ellis, D-Houston**

Allows in camera review of the documents involved in public information act lawsuits for the purpose of decision making by the judge.

*Effective 9/1.*

**SB 984 – Texas Open Meetings Act****By Sen. Rodney Ellis, D-Houston**

Alters the provision of the Texas Open Meetings Act that allows telephone conference or videoconference meetings of state governmental bodies or governmental bodies that extend into three or more counties. Under current law it's allowed only if a majority of the body is physically present at one public location. Under SB 984, it would only be allowed if the presiding member is present at the public location. Also does away with the requirement that the meeting notice specify the physical location of all members of the body who are participating in the meeting.

*Effective 9/1.*

**SB 1297 – Electronic Communications****By Sen. Kirk Watson, D-Austin**

Creates a safe harbor for discussions among governmental officials about government business, either in or out of a public meeting, while providing a tool for the public to monitor those conversations. Currently, discussion is not allowed among a quorum of members of a public body unless its members are in an open meeting. This bill would allow it to happen in an online forum outside a meeting provided that the following requirements are met: the writing must be posted to an online message board viewable by the public; there will only be one, not multiple message boards, run by the governmental body; the message board must be easy to find on the governmental body's website; only elected members or officers of the governmental body may use the message board; and the messages must be displayed real time for at least 30 days after first posted and must be searchable. Afterward, they must be archived for a period of at least six years.

*Effective 9/1.*

**SB 1312 – TOMA / Advisory Committees of Board of Veterinary Medical Examiners****By Sen. Charles Schwertner, R-Georgetown**

Requires advisory committees to the Board of Veterinary Medical Examiners to be subject to the requirements of the Texas Open Meetings Act.

*Effective 9/1.*

**SB 1368 – Outsourced Services Information****By Sen. Wendy Davis, D-Fort Worth**

Requires contracts between a state governmental entity and a vendor involving the exchange or creation of public information as defined by the TPIA to contain a provision that requires the vendor to make the information available in a specific format that is: A) agreed upon in the contract; and B) accessible by the public. Also includes language of SB 1563.

*Effective 9/1.*

**SB 1563 – TPIA / Electronic Communications**

**By Sen. Rodney Ellis, D-Houston**

Expands the definition of public information in the Texas Public Information Act to include materials created in connection with any project, activity, or other matter funded wholly or partly with public funds of a governmental body. It also expands the definition of forms the public information may take. SB 1563 codifies the long standing A.G.'s office interpretation that "public information" applies to any electronic communication created, transmitted, received or maintained on any device if it is in connection with the transaction of official business.

*Attached as amendment to SB 1368. Effective 9/1.*

**SB 1678 – Major Events Trust Fund**

**By Sen. Robert Deuell, R-Greenville**

Improves transparency in the administration of the state's Major Events Trust Fund.

*Effective 6/14.*

**SB 1747 – County Energy Transportation Reinvestment Zones**

**By Sen. Carlos Uresti, D-San Antonio**

Sets up requirements for public hearings, structure and operations of county transportation infrastructure project and creation of County Energy Transportation Reinvestment Zones.

*Effective 9/1.*

**SB 1773 – Interim Study/Ethics**

**By Sen. Joan Huffman, R-Houston**

Creates a select interim committee to study and review the laws and regulations related to Texas ethics laws, including campaign finance laws, lobby laws, and personal financial disclosure laws.

*Effective 9/1.*

## Legislation That Negatively Affects Newsrooms or is of Note to Newsrooms

### **HB 588 – Licensed Physical Therapists**

#### **By Rep. Tom Craddick, R-Midland**

A general bill on licensed physical therapists, it says information regarding the home address or personal telephone number of a person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter is confidential and not subject to disclosure under the TPIA. A person licensed under this chapter or a person who is an owner or manager of a physical therapy facility registered under this chapter must provide the board with a business address or address of record that will be subject to disclosure under Chapter 552, Government Code.

*Effective 9/1.*

### **HB 912 – Drones**

#### **By Rep. Lance Gooden, R-Terrell**

In its original form, the bill would have banned use of unmanned aircraft to collect aerial video or photographs in most cases and creates civil and criminal penalties for doing so. The House committee substitute still had problems from a newsgathering standpoint. House floor amendments clarified that one could be subject to civil and/or criminal penalties if there is “intent to conduct surveillance”. Civil damages could be recovered if the operator of the aircraft captured the image in violation of the law and disclosed, displayed, or distributed the image “with malice” as defined by Section 41.001, Civil Practice and Remedies Code. Another House floor amendment said it was an offense if one possessed, disclosed, displayed, distributed, or otherwise used an illegally obtained image as defined by the law. TAB successfully amended the bill in the Senate to allow use of the technology for newsgathering, but Rep. Gooden insisted on that language being removed when the bill went to conference committee.

NOTE: TAB is preparing guidance for newsrooms on the practical implications of this bill on newsroom operations.

*Effective 9/1.*

### **HB 1632 – DOB / Law Enforcement Employees**

#### **By Rep. Allen Fletcher, R-Tomball**

Amends Sec. 552.1175 of the Texas Public Information Act, a provision which shields identifying information of peace officers, jailers, security officers, TDCJ or DA's office employees, such as home address/phone, emergency contact information, SSN, etc. This bill adds date of birth to the list. A 2010 Texas Supreme Court ruling already makes government workers' birthdates private under the TPIA. A House floor amendment allows county and district clerks to redact the information without seeking an AG's office review. The floor amendment also shields this type of information contained in voter registration information.

*Effective 6/14.*

**HB 1648 – DPFS Investigations****By Rep. Richard Raymond, D-Laredo**

Amends existing law on the operations of the Dept. of Protective and Family Services by a confidentiality provision for investigation information. HB 1648 says a photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by the department in the course of an inspection authorized by this chapter is confidential, is not subject to release under the TPIA.

*Effective 9/1.*

**HB 2267 – Medical Examiner Home Address****By Rep. Lyle Larson, R-San Antonio**

Makes confidential the home addresses contained in property tax records for medical examiners or others who perform forensic analysis. This is the latest class of law enforcement employees that have their home addresses shielded in such records.

*Effective 6/14.*

**HB 2676 – Appraisal District Records/ Armed Forces Personnel****By Rep. Yvonne Davis, D-Dallas**

Adds to the list of individuals who can shield their home address information in appraisal district records -- current or former members of the armed forces who have served in a combat zone.

*Effective 6/14.*

**HB 2725 – Trafficking Victims Shelter Records****By Rep. Senfronia Thompson, D-Houston**

Adds another class of protected individuals' records (victims of trafficking shelter center) to the existing TPIA protection (552.138) for the confidentiality of records of those at a family violence shelter center.

*Effective 6/14.*

**HB 2733 – Law Enforcement Employees / Personal Information****By Rep. James White, R-Hillister**

Adds three new classes of current or former law enforcement personnel whose personal information in state records is excepted from disclosure under the TPIA: juvenile probation and supervision officers certified by the Texas Juvenile Justice Department; employees of a juvenile justice department or a juvenile justice program or facility; employees of the Texas Juvenile Justice Department.

*Effective 9/1.*

**HB 2792 – Appraisal Protest Hearings****By Rep. Gary Elkins, R-Houston**

Allows a closed appraisal protest review hearing between an appraisal board and a property owner if either intends to disclose proprietary or confidential information that will assist the review board in determining the protest. It must be approved by the review board first and only upon a joint motion by the property owner and the chief appraiser.

*Effective 6/14.*

**HB 2961 – School Employee SSN's****By Rep. Dan Huberty, R-Houston**

Prohibits release of a school district employee's social security number.

*Effective 9/1.*

**SB 33 – “Covert” Recordings / Living Centers****By Sen. Judith Zaffirini, D-Laredo**

Prohibits "covert" recording/ monitoring of residents at state supported living centers and creates criminal penalties for such. Prevents disclosure of such to others (think of a family member giving a newsroom a tape). Such activity must have the approval of the facility in question before it may be allowed.

*Effective 5/25.*

**SB 66 – Child Fatality Review Team Committees****By Sen. Jane Nelson, R-Flower Mound**

Requires the publication of a report that contains aggregate child fatality data collected by local child fatality review teams, recommendations to prevent child fatalities and injuries, and recommendations to the Department of Family and Protective Services (DFPS) on child protective services operations based on input from the child safety review subcommittee.

*Effective 9/1.*

**SB 107 – Orders of Nondisclosure/Criminal History Information****By Sen. Royce West, D-Dallas**

Amends the Government Code to prohibit a court from disclosing to the public any information contained in court records that is the subject of an order of nondisclosure issued for a person who was placed on deferred adjudication community supervision and subsequently received a discharge and dismissal. A House floor amendment added the language of SB 977, also by West, as noted below.

*Effective 9/1.*

**SB 369 – Sex Offender Registry****Sen. John Whitmire, D-Houston**

Adds to existing law on the public sex offender database maintained by the DPS. Currently, a registered offender's SSN, TDL#, home or work or cell phone number are shielded from public view. Also shields information regarding an employer's name, address or telephone number. It does not affect the ability to determine online who is a Texas registered sex offender.

*Effective 9/1.*

**SB 394 – Juvenile Criminal Records****By Sen. Royce West, D-Houston**

The 2011 Legislature established that the records of minors convicted of certain fine-only Class C misdemeanors are confidential. SB 394 codifies a suggestion of the Texas Judicial Council, the policy-making body of the Texas judiciary system, to expand the confidentiality of records for all minors, including those who received deferred prosecution.

*Effective 9/1.*

**SB 457 – Autopsy Photos and X-Rays****By Sen. Jose Rodriguez, D-El Paso**

In its original form, this bill and its House companion bill said local governments didn't have to request a decision from the attorney general under the Texas Public Information Act in order to withhold autopsy photos and x-rays. Current law says local government may withhold autopsy photos and x-rays, except in cases in which an individual died in law enforcement custody. The actual autopsy reports are public. As a practical matter though, autopsy reports are being withheld regardless because of the "law enforcement exception" in the Texas Public Information Act. Joe Larsen, a TPIA specialist attorney with the Sedgwick LLP law firm testified against the bills at their House and Senate hearings. He said the original bill would further stymie release as it removes a much-needed check on law enforcement – an Attorney General's office review to determine release of records. Larsen's testimony gave the Senate Open Government Committee cause for concern. He went on to work with Sen. Rodriguez to craft a committee substitute which addresses the long-standing issue of access to autopsy reports in general while also taking care of El Paso County's concerns on the handling of such records. However, an extra comma in the bill may need removal in the next session to get the full desired effect of the fix and to take this bill out of this group of bills.

*Effective 9/1.*

**SB 458 – Auto Title Information****By Sen. Jose Rodriguez, D-El Paso**

Currently driver's license and personal identification document information may be redacted from motor vehicle records without an AG review before the records are released to the public. This bill adds motor vehicle title or registration information to that list.

*Effective 9/1.*



**SB 495 – Maternal Mortality****By Sen. Joan Huffman, R-Houston**

Creates a task force under the Texas Department of Health to study maternal mortality and severe maternal morbidity. Meetings of the task force are quarterly and not subject to the Texas Open Meetings Act. The purpose of the task force is to make recommendations for best practices and protocols to help reduce the incidence of pregnancy-related deaths and maternal morbidity in this state. The task force shall develop standard procedures and criteria for the comprehensive, multidisciplinary review of pregnancy-related deaths and cases of maternal morbidity.

*Effective 6/14.*

**SB 885 – Gas Utility Rate Hikes****By Sen. Juan “Chuy” Hinojosa, D-McAllen**

Strikes bracketing information requiring newspaper notice of gas utility rate hikes. Current law says utilities can mail notice instead in areas outside of municipality or in cities of 2,500 or less. SB 885 also has a provision allowing utilities to email notice instead of mail it.

*Effective 9/1.*

**SB 977 – Orders of Nondisclosure****By Sen. Royce West, D-Dallas**

The order of nondisclosure was approved by the 2003 legislature. It seals the records of an offense where a term of court-ordered community supervision was successfully completed under deferred adjudication. When an order of nondisclosure is in place, the public in most cases is no longer able to access the records of a sealed misdemeanor or felony offense. Since 2003, more than 29,000 orders of nondisclosure have been issued, but more than two million people in Texas have received and completed deferred adjudication. SB 977 allows a person who petitions the court for an order of nondisclosure the options of doing so in person, through the mail, or electronically. It also requires the Office of Court Administration to develop a standard form that can be used to file electronically or by mail to apply to the courts for an order of nondisclosure, and make that form available on its Internet website.

*Attached as amendment to SB 107. Effective 9/1.*

**SB 1058 – Nursing Records****By Sen. Jane Nelson, R-Flower Mound**

Allows the Texas Board of Nursing to take deferred action in select circumstances with a nurse. A deferred action by the board is not confidential and is subject to disclosure in accordance with the TPIA. If the person successfully meets the conditions imposed by the board in deferring final action and the board dismisses the action or complaint, the deferred action of the board is confidential to the same extent as a complaint is confidential under Section 301.466.

*Effective 9/1.*

**SB 1289 – Publishing Criminal History Information / Mugshots****By Sen. Tommy Williams, R-The Woodland**

SB 1289 targets Internet websites that feature criminal history information and mugshots. It creates penalties for not publishing accurate information or not correcting it when brought to the publisher's attention. On its face the bill would seem to have website implications for broadcast and print news outlets. However the chapter of law that the bill creates only applies to business entities that charge a fee to correct or retract information. The House committee substitute set the fee threshold amount as \$150 or more. Traditional news outlets such as broadcast or newspaper newsrooms do not charge fees for corrections or retractions and therefore would not be subject to this law if passed.

*Effective 9/1.*

**SB 1512 – Crime Scene Photographs and Videotape****By Sen. Rodney Ellis, D-Houston**

Allows broadcast and print newsrooms access to review and potentially copy law enforcement crime scene photos depicting deceased individuals in a mutilated or decapitated state. However, existing exceptions in the Texas Public Information Act could be asserted to preclude access. Legitimate newsrooms likely would never publish such photos but could want access to review a particular homicide investigation. Victims' rights advocates indicate they are concerned about private individuals who have requested such photos and posted them on the Internet.

*Effective 9/1.*

**SB 1896 – Probate Judge Home Addresses****By Sen. Sylvia Garcia, D-Houston**

Adds another type of judge to the list of judicial branch employees whose names can be shielded in property tax records – a statutory probate court judge.

*Effective 5/24.*

## **Vetoed by Gov. Perry**

### **HB 1398 – “Stand By Your Ad”**

**By Rep. Jim Murphy, R-Houston**

Imposed the "stand by your ad" provisions of the Bipartisan Campaign Reform Act on state and local candidates. Currently, only federal candidates are subject to them. This is the provision that requires a candidate to acknowledge that they approved the content of their own political ads and who paid for them.

*Attached as an amendment to SB 219 which was vetoed 6/14.*

### **SB 1 – Appropriations / Public Integrity Unit**

**By Sen. Tommy Williams, R-The Woodlands**

Gov. Perry made good on a promise to veto funding for the Public Integrity Unit contained in the general appropriations bill SB 1, unless Travis County District Attorney Rosemary Lehmborg resigned. The PIU investigates ethics violations and governmental malfeasance at the state and local level. It operates under the aegis of the Travis County District Attorney. Lehmborg recently plead guilty to a drunken driving charge. The decision means that prosecutors, investigators and staff will be out of work on Sept. 1 and the fate of 400 pending cases will be in jeopardy. Travis Co. could step in to replace the unit's funding, but that is seen as unlikely.

“Despite the otherwise good work of the Public Integrity Unit’s employees, I cannot in good conscience support continued state funding for an office with statewide jurisdiction at a time when the person charged with ultimate responsibility of that unit has lost the public’s confidence,” Perry said in his veto message. “This unit is in no other way held accountable to state taxpayers, except through the state budgetary process. I therefore object to and disapprove of this appropriation.”

*Vetoed by line item 6/14.*

### **SB 15 – University Regents**

**By Sen. Kel Seliger, R-Amarillo**

Prohibited a university board of regents appointee who is unconfirmed by the Texas Senate from voting on any budgetary or personnel matter related to system administration or institutions of higher education. Also prohibited regents from voting on the same if they have not received specific governance training as mandated by state law including review of the Texas Open Meetings Act and Texas Public Information Act. Gov. Perry objected to other provisions in the bill and said in his veto message that “limiting oversight authority of a board of regents, however, is a step in the wrong direction. History has taught us that the lack of board oversight in both the corporate and university settings diminishes accountability and provides fertile ground for organizational malfeasance.”

*Vetoed 6/14.*

### **SB 219 – Texas Ethics Commission**

**By Sen. Joan Huffman, R-Houston**

A sunset bill for the Texas Ethics Commission, it mandated a two-year study of state ethics laws. It was amended on the House floor to include additional financial disclosure by candidates and officeholders as well as increased scrutiny of groups involved in political communications. Other provisions shielded home address information of candidates in certain records. Gov. Perry objected to several provisions in the bill. “The last-minute addition of a resign-to-run requirement for members of the Railroad Commission would change the structure of a constitutional agency without the consent of Texas voters. Any effort to amend a constitutional office should go to a vote of the people. This bill would also strip a journalist's testimonial privilege if the journalist has made direct political expenditures, or is affiliated with entities that make such expenditures,” Perry said. “SB 219 also allows the Ethics Commission to set an annual document filing fee for candidates and groups who file campaign finance reports. Candidates should not be charged for participating in a process intended to be transparent, to pay for a state agency. The legislature should continue to set the fee to run for office in a transparent and open way, rather than leave that to a state agency.”

*Vetoed 6/14.*

### **SB 346 – Campaign Finance Disclosure**

**By Sen. Kel Seliger, R-Amarillo**

Required 501C(4) and 501C(6) groups, usually created for an educational or cultural purpose, to disclose their donors for political activities. Since the U.S. Supreme Court's *Citizens United* decision, some such groups have increasingly become more political, but the groups can conceal the donors who fund their political activities. SB 346 would have brought some sunshine to who is financially contributing to campaign political messaging. Gov. Perry objected to the bill on several fronts. “Freedom of association and freedom of speech are two of our most important rights enshrined in the Constitution,” Perry said. “My fear is that Senate Bill 346 would have a chilling effect on both of those rights in our democratic political process. While regulation is necessary in the administration of Texas political finance laws, no regulation is tolerable that puts anyone's participation at risk or that can be used by any government, organization or individual to intimidate those who choose to participate in our process through financial means.”

*Vetoed 5/25.*