

1-1 By: Watson, et al. S.B. No. 407
 1-2 (In the Senate - Filed January 3, 2017; February 1, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 20, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; March 20, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Creighton		X		
1-10 Campbell	X			
1-11 Estes	X			
1-12 Nichols	X			
1-13 Schwertner	X			
1-14 Taylor of Galveston		X		
1-15 Whitmire	X			
1-16 Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 407 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the exception from disclosure under the public
 1-22 information law for information related to competition or bidding.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 552.104, Government Code, is amended to
 1-25 read as follows:

1-26 Sec. 552.104. EXCEPTION: INFORMATION RELATED TO
 1-27 COMPETITION OR BIDDING. (a) Except as provided by Subsection (c),
 1-28 information [Information] is excepted from the requirements of
 1-29 Section 552.021 if a governmental body demonstrates that release of
 1-30 the [it is] information [that, if released,] would harm its
 1-31 interests by providing an [give] advantage to a competitor or
 1-32 bidder in a particular competitive situation.

1-33 (b) Except as provided by Subsection (c), the [The]
 1-34 requirement of Section 552.022 that a category of information
 1-35 listed under Section 552.022(a) is public information and not
 1-36 excepted from required disclosure under this chapter unless
 1-37 expressly confidential under law does not apply to information that
 1-38 is excepted from required disclosure under this section.

1-39 (c) The exception to disclosure provided by Subsection (a)
 1-40 does not apply to:

1-41 (1) a bid or proposal, or information contained in a
 1-42 bid or proposal, after the governmental body executes or awards the
 1-43 contract to which the bid or proposal relates; or

1-44 (2) an account, voucher, or contract, or information
 1-45 contained in or describing an account, voucher, or contract.

1-46 (d) Section 552.305 does not apply to the exception under
 1-47 this section.

1-48 SECTION 2. Section 552.305(a), Government Code, is amended
 1-49 to read as follows:

1-50 (a) In a case in which information is requested under this
 1-51 chapter and a person's privacy or property interests may be
 1-52 involved, including a case under Section 552.101, [552.104,]
 1-53 552.110, or 552.114, a governmental body may decline to release the
 1-54 information for the purpose of requesting an attorney general
 1-55 decision.

1-56 SECTION 3. The changes in law made by this Act apply only to
 1-57 a request for information received by a governmental body or an
 1-58 officer for public information on or after the effective date of
 1-59 this Act. A request for information received before the effective
 1-60 date of this Act is governed by the law in effect when the request

2-1 was received, and the former law is continued in effect for that
2-2 purpose.

2-3 SECTION 4. This Act takes effect September 1, 2017.

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