

- SUBJECT:** Disclosure of public employee pension system employment information
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 15 ayes — Solomons, Menendez, Cook, Craddick, Farabee, Gallego, Geren, Harless, Hilderbran, Jones, Lucio, Maldonado, Oliveira, Swinford, S. Turner
- 0 nays
- 0 absent
- WITNESSES:** For — Keith Elkins, Freedom of Information Foundation of Texas; (*Registered, but did not testify:* Michael Schneider, Texas Association of Broadcasters; Ed Sterling, Texas Press Association and Texas Daily Newspaper Association; Brynne Vanhettinga, ACLU of Texas)
- Against — None
- On — Jonathan Frels, Office of Attorney General; Robert Miller, Houston Firefighters Relief and Retirement Fund)
- BACKGROUND:** Government Code, ch. 552, the Public Information Act, subch. B outlines provisions to allow information collected, assembled, or maintained in connection with the transaction of official business by or for a governmental body to be available to the public.
- VTCS, art. 6243h, sec. 26(a) states that records of a member, deferred participant, retiree, eligible survivor, beneficiary, or alternate payee that are in the custody of a municipal pension system in cities larger than 1.5 million are not public information under Government Code, ch. 552 and may not be disclosed, unless to:
- an individual, their representative, or person authorized to receive the information;
 - a spouse or former spouse; or,
 - a government official or employee.

DIGEST: CSHB 1707 would amend the Government Code by adding sec. 552.0221 to require that information regarding the employment of an employee or the service of a trustee of a public employee pension system would be public information under open government requirements. This information would include the income, salary, benefits, and bonuses received from the pension system by an employee or trustee of the system acting in their official capacity.

The information could not be made confidential or removed or excepted from public information by any statute intended to protect the records of persons acting in their capacity as members, beneficiaries, or retirees of a public employee pension system. Information would only be released if were excepted from required disclosure.

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, 2009. It would apply only to a public information request made on or after the effective date.

SUPPORTERS SAY: CSHB 1707 would ensure that basic employment information, such as salaries and bonuses, of employees and trustees of public employee pension systems could be available to the public. Such transparency would instill confidence in current and retired public employees who pay into the pension systems that the stewards of those funds are being paid reasonably. It would not apply to records a pension system holds as the administrator of a benefits program.

OPPONENTS SAY: While CSHB 1707 would provide greater transparency of employment information for employees and trustees of a public employee pension system, additional steps should be taken to ensure that pension benefit information is not also subject to public availability. Pension benefit information contains sensitive information, such as employee beneficiaries, and should not be available to the public.

NOTES: The bill as filed did not include the provision for requiring employment information of trustees of public employee pension systems to be considered public information. The original bill lists specific sections of the Government Code and VTCS that exempts information from public information provisions, whereas the committee substitute incorporates them broadly.

The companion bill, SB 1071 by Wentworth, passed the Senate by 30-0 on April 21 and was reported favorably, without amendment, by the House State Affairs Committee on April 30, making it eligible to be considered in lieu of HB 1707. The Senate bill contains an additional subsection excluding from disclosure under the Public Information Act pension benefits provided to an individual by a pension system under the statutory plan covering the individual as a member, beneficiary, or retiree of the pension system.