

BILL ANALYSIS

Senate Research Center

H.B. 2138
By: Marchant (Lindsay)
Natural Resources
5/11/2001
Engrossed

DIGEST AND PURPOSE

Provisions relating to open records law provide that a completed report is not excepted from required public disclosure unless it is confidential under other law. The law exempts from disclosure information relating to appraisals of property prior to a formal disposition of the property. Prior to 1999, appraisals completed by or for the state were deemed to be confidential. In 1999, a change to the open records law caused the attorney general's office to rule differently. The attorney general now interprets the open records law to mean that an appraisal report is a completed report, which must be disclosed. As it stands, the appraisal exception in the open records law is no longer applicable because an appraisal report is deemed to be a completed report. By requiring the early release of the state's market value estimates on property to be identified, appraised, leased, or sold, the ability of the commissioner of the General Land Office (commissioner) to obtain the best possible price for property for the School Land Board, the Veterans' Land Board, and other state agencies may be compromised. H.B. 2138 exempts from disclosure information relating to the location, price, or sale of real property purchased or sold for the School Land Board, Veterans' Land Board, General Land Office, or the commissioner or any report prepared in anticipation of a purchase or sale until the formal award of a contract is executed.

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 and 2. Amends the Natural Resources Code and the Education Code to exempt from disclosure, under provisions relating to open records law, information relating to the location, purchase price, or sale price of real property purchased or sold by or for the School Land Board, Veterans' Land Board, General Land Office (GLO), or the commissioner of GLO until the formal award of a contract for the purchase or sale of the property is executed. The bill provides that information that is confidential and exempted from disclosure includes an appraisal, completed report, evaluation, or investigation conducted for the purpose of locating or determining the purchase or sale price of the property, or any report prepared in anticipation of purchasing or selling real property. The bill provides that information that is confidential and excluded from disclosure is not subject to a subpoena directed to the School Land Board, Veterans' Land Board, GLO, commissioner of GLO, attorney general, or governor.

SECTION 3. Effective date: upon passage or September 1, 2001.