SB 888 Parker

DIGEST: SB 888 changed the boundaries of the Lower Neches Valley Authority to include portions of Polk and Orange Counties lying within the watershed of the Neches River.

REASONS FOR VETO: The bill might be unconstitutional since the caption refers only to the Lower Neches Valley Authority, but the bill does affect other districts. Secondly, it is questionable whether notice was given to all districts affected.

REACTION: If the Governor had any questions as to whether proper notice was given to the districts affected by the bill, all he had to do was ask. It was thought that proper notice had been given to those districts affected.

SB 1025 Parker

DIGEST: SB 1025 made it clear that the Open Records Act could not be used to restrict information that was available prior to the act. The bill also mandated that the custodian of a record may release information unless another law prohibits it, and provided for the release of information relevant to a court case unless another statute expressly states the information is not subject to subpoena or use in a court proceeding. Further, the bill provided for the award of litigation costs and attorneys' fees in cases where a person successfully sues a governmental body to obtain an open record.

REASONS FOR VETO: The accessibility provisions of the bill are much broader than those of the act, and could require the disclosure of information exempt under the act but not expressly exempt by some other state statute. This would place a tremendous burden on state employees who would have to determine whether or not to make information releases that were prohibited by law but required for a court proceeding. Further, the provision providing litigation costs and attorneys' fees is likely to encourage litigation even though the bill makes no appropriations to governmental bodies to pay these expenses.

REACTION: It is quite obvious that the governor is opposed to freedom of information and public access to government records.