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Watson, Capriglione file bill to restore transparency to government contracting

Texas Sen. Kirk Watson and Rep. Giovanni Capriglione filed SB 943/HB 2189 to restore transparency to state and local government contracting, which was drastically reduced by a pair of 2015 rulings from the Texas Supreme Court.

"Last session, a bi-partisan coalition came together to close loopholes that these two rulings created, but we were stonewalled by a committee chairman who refused to give the bills a vote," said Sen. Watson. "This session we're coming back with an even larger and more diverse coalition with a proposal that protects businesses' proprietary information without sacrificing the public's right to know how their tax dollars are spent."

Last session's bills sought to return the Public Information Act to the way it had been interpreted by the Attorney General's Office for decades. This session, Sen. Watson and Rep. Capriglione are taking a different approach that addresses businesses' legitimate concern in protecting proprietary information. Still, both authors are committed to ensuring the public can obtain key information about the deals that state and local governments make in the public's name.

"Month after month, year after year, in Texas we have seen the erosion of the public's right to know. Bad actors have used legal loopholes to hide their contracts with government entities," Rep. Capriglione said. "Over the past two years we have worked diligently with a variety of stakeholders to find common ground to create this legislation. I look forward to working with the public and other members of the Legislature to bring our Sunshine laws back to where they deserve to be."

SB 943/HB 2189 strike this balance by:

- Creating a new exception for contractors' proprietary information;
- Ensuring that, even with the new exception, the public can obtain key contract terms (like overall price and deliverables) and information indicating whether or not a contractor performed its duties under the contract;
- Requiring specific contractors that are truly intertwined with government to respond to PIA requests they receive about their government work; and
- Requiring other contractors that receive large government contracts to maintain information about the contract and share it with the governmental body when the governmental body receives a PIA request for that information.

The legislation was crafted in consultation with the Texas Sunshine Coalition, which was formed during the last interim to advocate for greater government transparency. The coalition includes the Texas Public Policy Foundation, ACLU Texas, the League of Women Voters of Texas and several other organizations.

"We are thankful for this thoughtful legislation to repair the Public Information Act," said Kelley Shannon, executive director of Freedom of Information Foundation of Texas. "Texans deserve the ability to see how their taxpayer dollars are spent and keep a watch on their government. That's basic American civics."

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