

Prather in Austin Bulldog on the Texas Legislature and Public Information

October 23, 2017 Laura Prather

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The Austin Bulldog recapped a panel discussion on open government moderated by Haynes Boone Partner [Laura Lee Prather](#) at the annual conference of the Freedom of Information Foundation of Texas.

The Sept. 14 panel, titled “What happened in the 2017 Legislature and what’s ahead?” featured lawyers, journalists and lawmakers examining changes the Texas Legislature made – and failed to make – to the Texas Public Information Act.

The Bulldog [reported](#) that a TPIA Task Force overseen by the House Speaker’s Office met and negotiated for nine months and that members representing government entities, the Attorney General’s Office, requestor groups and legislative representatives agreed on 10 bills, but only three made it into law.

“It was incredibly frustrating — especially since lawmakers always tout the importance of building consensus,” said Prather, a longtime open government advocate.

“In this instance we worked hard to build consensus for nine months and then were stymied every step of the way by big business that wanted to hide from taxpayers how they use their money and the chair of the House Government Transparency and Operation Committee, whose interests were not in making more information available to the public — even the ones footing the bill.” ...

Prather said that numerous court decisions had seriously undermined the public’s ability to follow the money:

- *The Boeing Co. v. Paxton* allows companies to protect information that they claim if released would give advantage to a competitor or bidder.
- *Greater Houston Partnership v. Ken Paxton*, “in which the court held that the TPIA could not be interpreted to apply to privately controlled corporations performing services under quid pro quo government contracts, finding that the Act only applied to private entities acting as the functional equivalent of the government.”
- *Paxton v. City of Dallas*, two separate lawsuits, in which one court affirmed that failing to meet the TPIA’s deadline to assert statutory exception to disclosure does not constitute waiver of the attorney-client privilege, and in which another court ruled that the birth dates of certain members of the general public are “confidential by law.”

Prather said the Attorney General’s Office has seen a huge increase in workload since the *Boeing* decision and information is now being withheld about a high number of transactions involving government funding. In one example the public was denied information about how much singer Enrique Iglesias was paid with taxpayers’ money by the City of McAllen to perform at a holiday concert. ...

“The good news,” Prather said, “is that a resolution was passed to provide for the House and Senate to work in the interim to study the TPIA.” ...

Excerpted from *The Austin Bulldog*. To read the full article, click [here](#).