



## Testimony Before the House State Affairs Committee

### *House Bill 81*

by Shelby Sterling, Policy Analyst

Mr. Chairman and Members of the Committee:

My name is Shelby Sterling, and I am the policy analyst for the Think Local Liberty project at the Texas Public Policy Foundation. Thank you for the opportunity to address the committee today on [House Bill 81](#), which I am here to testify in support of.

Texas has long been a leader in government financial transparency. However, this window into an open government has slowly closed over the last decade. Both legislation and unfavorable court decisions have weakened the public's ability to access information. While Texas continues to maintain good transparency, there is always room for improvement.

HB 81 represents one of those improvements toward better transparency. As introduced, HB 81 would amend Section 522.104 of the Government Code, which is the provision under the Public Information Act related to competitive bidding. In 2015, this section was expanded by the Texas Supreme Court's decision in *Boeing Co. v. Paxton*, but HB 81 seeks to reign in this expansion by requiring the disclosure of certain information related to parades, concerts, or other entertainment events open to the general public that were paid for by public funds.

As it stands, the Texas Public Information Act guarantees access to public information, subject to certain exceptions. However, actually accessing the information requested can prove to be challenging for taxpayers. Under the current system, taxpayers may believe that their tax dollars are spent on school districts and road repairs; however, they have no guarantee of knowing where or how that money is spent.

Local governments, and cities in particular, require more accountability to keep the public informed. Here's one quick example of why this is imperative: the city of McAllen's 2015 holiday parade. Like traditional holiday festivities, there was food and games; however, the city of McAllen tried something new—they invited Enrique Iglesias to perform a one-hour holiday concert.

Naturally, local news media wanted to know how much the city paid for the performance, so they requested the information. Yet, their requests were met with refusals from the city, which claimed that disclosure of the information would place the city at a "competitive disadvantage" in future contract negotiations.

To this day, the taxpayers of McAllen do not know how much their city paid for the performance, and they may never know. However, with the passage of HB 81, future entertainment contracts, like McAllen's, would require public disclosure upon request.

The preamble of the Texas Public Information Act speaks clearly to the importance of transparency as part of the fundamental philosophy of our government in stating that—

“each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for

them to know. The people insist on remaining informed so that they may retain control over the instruments they have created” ([Sec. 552.001, Government Code](#)).

In order to uphold the intent of the Texas Public Information Act, the window of government transparency needs to be opened once again. As a member of the Sunshine Coalition, we believe that Texans have a right to be informed and retain control over their governments. We strongly support HB 81 because Texans should have the right to know how their tax dollars are being spent.

Thank you for your time. I look forward to answering any questions that you may have. ★

## ABOUT THE AUTHOR



**Shelby Sterling, J.D.**, is a policy analyst for the Think Local Liberty project at Texas Public Policy Foundation. She was previously an intern in the Foundation’s Center for the American Future.

Sterling has a J.D. from Texas A&M University School of Law in Fort Worth. She participated in the law school’s residency externship program and graduated with a concentration in public policy. Sterling received her B.A. in Letters from the University of Oklahoma, a combination study of philosophy, history, and literature on the U.S. Constitution and the Founding Fathers.

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