

BILL ANALYSIS

H.B. 3015
By: Hernandez
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State public information law was enacted with the intent to allow Texans to remain informed and hold government officials and entities accountable. While some government officials recognize they are the custodians of the people's records and provide requested documents in a timely manner, others reportedly seek to delay or avoid disclosure of requested information. This delay creates distrust of government and can leave the requestor unsure as to whether requested documents exist or if their request was ever received. H.B. 3015 seeks to address this issue by requiring a response to a public information request within 10 business days, even if requested records do not exist or may be legally withheld.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3015 amends the Government Code to require the public information officer of a governmental body that has determined it has no information responsive to a public information request to notify the requestor in writing not later than the 10th business day after the date the request is received. If the governmental body determines the requested information is subject to a previous determination that permits or requires the information to be withheld, the public information officer must take both of the following actions within that same 10-business-day period:

- notify the requestor in writing that the information is being withheld; and
- identify in the notice the specific previous determination the governmental body is relying on to withhold the requested information.

H.B. 3015 authorizes a requestor to send a written complaint to the attorney general if a governmental body fails to respond to a public information request as required by applicable state law. The complaint must include the original request for information and any correspondence received from the governmental body in response to the request. The bill provides the following if the attorney general determines the governmental body improperly failed to comply with state law in connection with a request for which a complaint is made:

- the attorney general must notify the governmental body in writing and require the governmental body to complete open records training not later than six months after receiving the notification;

- the governmental body may not assess costs to the requestor for producing information in response to the request; and
- if the governmental body seeks to withhold requested information, the governmental body must take the following actions:
 - request an attorney general decision about whether the information is excepted from public disclosure under state public information law not later than the fifth business day after the date the governmental body receives notice of the determination; and
 - release the requested information unless there is a compelling reason to withhold the information.

The bill requires the exceptions to required disclosure stated in a request for the attorney general's decision to be specifically stated.

EFFECTIVE DATE

September 1, 2021.