

BILL ANALYSIS

Senate Research Center

S.B. 1040
By: Wentworth
State Affairs
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As Filed

DIGEST

Currently, Texas law requires certain records to be made available for public inspection. The Senate Interim Committee on Public Information has received testimony that such provisions have been used as a tool for harassment. This bill would allow governmental entities to charge for personnel costs incurred in assembling public records for inspection if it takes more than five hours to prepare the information and the information is either more than five years old or fills 10 or more archival boxes.

PURPOSE

As proposed, S.B. 1040 authorizes certain agencies to imposing a charge for making available for inspection certain public information.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.271, Government Code, to prohibit a certain charge from being imposed except as provided by this section. Authorizes an officer for public information or the officer's agent to require a requestor to pay, make a deposit on, or post a bond on anticipated personnel costs for making available for inspection public information that is older than five years and fills 10 or more archival boxes and such task requires more than five hours to complete. Authorizes a governmental body employing fewer than 16 full-time employees to require payment, bond, or deposit for requested information that is older than three years or fills five or more archival boxes and such task requires at least two hours for completion. Makes conforming and nonsubstantive changes. Effective date: 90 days after adjournment.