BILL ANALYSIS

Senate Research Center

DIGEST

Currently, the attorney general is required to render a decision requested under the open records law within 60 days. This time limit can be extended an additional 20 days by informing the requestor and the governmental body within the original 60 days. C.S.S.B. 277 requires the attorney general to render decisions requested under the open records law within 45 days, allows only a 10-day extension, and prohibits a request for reconsideration of a decision.

PURPOSE

As proposed, C.S.S.B. 277 expands provisions for a governmental body to withhold certain requested information, reduces the amount of time within which the attorney general is required to make a decision in an open records request, and prohibits a request for reconsideration.

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 Sections 552.301(a) and (b), Government Code, to require a governmental body which is requested to provide information, to provide the information requestor with certain documents relating to the process of withholding information. Requires a governmental body requesting an attorney general's decision to submit a signed statement which establishes a certain date. Makes conforming changes.

SECTION 2. Amends Section 552.302, Government Code, to provide that certain information is presumed to be subject to required public disclosure, rather than public information, under certain conditions, and provides an exception. Makes conforming changes.

SECTION 3. Amends Sections 552.303(b), (c), and (e), Government Code, to require the attorney general to notify certain parties if the attorney general determines that information provided by a governmental body is insufficient to render a decision. Provides that if a governmental body fails to comply with Subsection (d), then certain information is subject to required public disclosure, rather than presumed to be public information. Makes conforming changes.

SECTION 4. Amends Section 552.306, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

> (a) Reduces the number of days within which the attorney general is required to render a decision from 60 to 45, and reduces the extension days from 20 to 10.

> (c) Prohibits a governmental body from requesting a reconsideration of an attorney general's decision rendered under this section.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Emergency clause.
Effective date: 90 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this Act relates to certain attorney general decisions and to the reconsideration of those decisions.

SECTION 1.

Amends Sections 552.301(a) and (b), Government Code, to require certain actions of a governmental body that requests an attorney general's decision.

SECTION 2.

Amends Section 552.302, Government Code, to require public disclosure of information a governmental body wishes to withhold, under certain conditions.

SECTION 3.

Amends Sections 552.303(b), (c), and (e), Government Code, to require certain actions of the attorney general, and requires public disclosure of certain information, under certain conditions.

SECTION 4.

Redesignates existing SECTION 2 to SECTION 4, increases the time frame within which the attorney general is required to render a decision, and prohibits a governmental body from requesting the attorney general to reconsider a decision.

SECTION 5.

Redesignates existing SECTION 2 as SECTION 5, and adds text from the relating clause regarding changes in this Act.

SECTION 6.

Redesignates existing SECTION 3 as SECTION 6.