

## **BILL ANALYSIS**

Senate Research Center  
79R3946 JD-D

S.B. 1812  
By: Wentworth  
State Affairs  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under current law, the provisions of the Public Information Act are triggered only by written requests for public information made to a governmental body. As proposed, S.B. 1812 authorizes requests for public information to also be made orally, either in person or by telephone, to the officer for public information or an individual specifically authorized to accept the oral request. In addition, S.B. 1812 authorizes a governmental body or public information officer to establish an automated public information telephone line to accept public information requests.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Building and Procurement Commission in SECTION 1 (Section 552.2215, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 552, Government Code, by adding Section 552.2215, as follows:

Sec. 552.2215. ORAL REQUESTS FOR PUBLIC INFORMATION. (a) Authorizes a request for public information to be oral or in writing. Authorizes an oral request for public information to be made in person or by telephone but requires the oral request to be made directly to the officer for public information or an individual specifically authorized by that officer to accept an oral request for public information on behalf of the officer.

(b) Requires the Texas Building and Procurement Commission (commission), in consultation with the attorney general, by rule, to prescribe the contents of a form to be used by an officer for public information in memorializing an oral request for public information. Sets forth minimum requirements for the contents of the form.

(c) Requires the officer for public information or designated individual, if the information sought is of a type or category that requires the requestor to verify the requestor's identity, before the information may be produced and as soon as practicable, to inform the requestor of that fact.

(d) Authorizes a governmental body or an officer for public information, in addition to accepting oral requests in person or by telephone, to establish an automated public information request telephone line that is answered by an automated voicemail or answering machine, prompts a caller to provide certain information, and automatically stores the information provided by the caller and the day of the week, date, and time the telephone call was received.

(e) Requires the commission, on request, to provide sufficient copies of the form prescribed by Subsection (b) to a governmental body or an officer for public information. Authorizes the commission to impose and collect a reasonable amount for the costs of printing and providing the forms.

SECTION 2. Amends Sections 552.301(a), (b), (d), and (e), Government Code, to make conforming changes.

SECTION 3. Amends Section 552.302, Government Code, to make a conforming change.

SECTION 4. Amends Section 552.305(d), Government Code, to make conforming changes.

SECTION 5. (a) Makes application of this Act prospective to January 1, 2006.

(b) Requires the Texas Building and Procurement Commission, by rule, to adopt the form required by Section 552.2215(b), Government Code, as added by this Act, not later than December 1, 2005.

SECTION 6. Effective date: upon passage or September 1, 2005.