

BILL ANALYSIS

Senate Research Center
79R1089 JD-F

S.B. 623
By: Hinojosa
State Affairs
3/31/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law does not require a person requesting open records information to pay the required fee before the request is processed. A governmental entity is required to obtain an open records decision from the attorney general in order to protect confidential information, once the information has been requested, regardless of whether it has been paid. The time and resources used in the preparation of a brief to the attorney general are not reimbursed to the governmental entity, which creates a problem when a requestor is authorized to force a governmental entity to prepare briefs for the attorney general, before payments have been made.

As proposed, S.B. 623 requires the deposit or bond to be paid before the request is processed.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.263, Government Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Provides that Subchapter G is included for the purpose of requesting a copy of public information and considered having been received after payment.

(f) Provides that a requestor who fails to make a deposit or post a bond required under Subsection (c) before the 10th day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.