

BILL ANALYSIS

Senate Research Center
79R5438 JD-D

S.B. 727
By: Wentworth
State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 727 amends provisions of the Public Information Act based on input from the Open Records Steering Committee. The bill strikes references to the "General Services Commission," replacing them with the "Texas Building and Procurement Commission," and amends provisions relating to state agencies' reporting of their costs to provide copies of public information. S.B. 727 provides that a request for information is considered withdrawn if the requestor does not examine the information requested within a specified time and does not request additional time to make the examination. S.B. 727 requires a governmental body that asks for an attorney general opinion regarding a request for information to provide the requestor with a copy of the written comments provided to the attorney general. The bill also requires any person who submits written comments to the attorney general regarding a request for information to provide a copy of the written comments to the requestor and to the governmental body involved.

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 Sections 552.009(a), (b), and (c), Government Code, to reference the Texas Building and Procurement Commission, rather than the General Services Commission.

SECTION 2. Amends Section 552.205, Government Code, to make conforming changes.

SECTION 3. Amends Section 552.221(b), Government Code, to provide that an officer for public information complies with Subsection (a) by offering, at a minimum, certain services. Makes nonsubstantive changes.

SECTION 4. Amends Sections 552.225(a) and (b), Government Code, as follows:

(a) Requires a requestor to complete the examination of the information not later than the 10th business day, rather than 10th day, after the date the custodian of the information makes it available. Provides that, if the requestor does not complete the examination of the information within 10 business days after the date the custodian of the information makes the information available and does not file a request for additional time under Subsection (b), the requestor is considered to have withdrawn the request.

(b) Makes conforming changes.

SECTION 5. Amends Section 552.231, Government Code, by amending Subsections (b) and (d) and adding subsection (d-1), as follows:

(b) Makes a conforming change.

(d) Specifies that a requestor is required to submit in writing certain requests of a governmental body within 30 days, or the governmental body does not have any further obligation to provide such information.

(d-1) Provides that, if a requestor does not make a timely written statement under Subsection (d), the requestor is considered to have withdrawn the request for information.

SECTION 6. Amends Section 552.2615(a), Government Code, to require the governmental body to inform the requestor of the responsibilities, rather than duties, imposed on the requestor by this section, as well as of the rights granted by this entire section, and give the requestor certain information needed to respond.

SECTION 7. Amends Section 552.262, Government Code, to make conforming changes.

SECTION 8. Amends Section 552.274, Government Code, as follows:

Sec. 552.274. New heading: REPORTS BY TEXAS BUILDING AND PROCUREMENT COMMISSION AND STATE AGENCIES ON COST OF COPIES.

(a) Requires the Texas Building and Procurement Commission to complete certain reporting duties, including providing the report on the Internet, rather than providing a copy to each state agency.

(b) Redesignated from existing Subsection (c). Authorizes a state agency to post reports on the internet in order to comply with this subsection. Deletes existing text of current Subsection (b).

(c) Redesignated from existing Subsection (d).

SECTION 9. Amends Section 552.301, Government Code, by adding Subsection (e-1), to require a governmental body that submits written comments to the attorney general to send a copy of those comments to the person who requested the information from the governmental body. Requires the copy of the comments provided to the person to be a redacted copy if the written comments disclose or contain the substance of the information requested.

SECTION 10. Amends Section 552.302, Government Code, to make conforming changes.

SECTION 11. Amends Section 552.304, Government Code, as follows:

Sec. 552.304. SUBMISSION OF PUBLIC DOCUMENTS. (a) Creates subsection from existing text.

(b) Requires a person who submits written comments to the attorney general to send a copy of those comments to both the person who requested the information from the governmental body and the governmental body. Requires the copy of the comments provided to the person to be a redacted copy if the written comments disclose or contain the substance of the information requested.

(c) Defines "written comments."

SECTION 12. Amends Section 405.031(d), Government Code, to make a conforming change.

SECTION 13. Amends Section 402.081(d), Labor Code, to make a conforming change.

SECTION 14. Makes application of this Act prospective.

SECTION 15. Effective date: upon passage or September 1, 2005.