

BILL ANALYSIS

Senate Research Center

H.B. 1497
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, if a governmental body makes a permissible inquiry under Section 552.222 (Permissible Inquiry by Governmental Body to a Requestor), Government Code, to a requestor about the requestor's request and the requestor does not respond, there are no means by which the request can be closed out or complied with.

H.B. 1497 provides certain conditions by which a written inquiry communication to which a requestor does not respond is considered to constitute a withdrawal of the request by the requestor. The bill also prohibits the requestor's request, if it included the requestor's physical or mailing address, from being withdrawn in such a manner unless the applicable entity sends the permissible inquiry to that address by certified mail.

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 552.222, Government Code, by adding Subsections (d), (e), and (f), as follows:

(d) Provides that if by the 61st day after the date a governmental body sends a written request for clarification or discussion under Subsection (b) or an officer for public information or agent sends a written request for additional information under Subsection (c), the governmental body, officer of public information, or agent, as applicable (applicable entity) does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

(e) Requires such a request to include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information.

(f) Prohibits the requestor's request, if it included the requestor's physical or mailing address, from being considered to have been withdrawn under Subsection (d) unless the applicable entity sends the request for clarification or discussion under Subsection (b) or the written request for additional information under Subsection (c) to that address by certified mail.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.