

BILL ANALYSIS

H.B. 1083
By: Baxter
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Government Code requires an officer for public information of a governmental body to promptly produce public information for inspection and/or duplication. If an officer for public information cannot produce public information within 10 business days after the request, the officer is required to certify that fact in writing to the requestor and set a reasonable date and hour when the information will be available. In an open records decision in February 2000, the Attorney General addressed the question of whether the term “promptly” - as used in the requirement imposed by Section 522.221 (a) of the Government Code that the governmental body promptly release information deemed to be public - means that the body must release the information as close to immediately as possible under the circumstances, or that “promptly” means simply no later than ten business days after the receipt of the request for that information. Texas Attorney General Open Records Decision 664 at 1 (2001). The Attorney General concluded that Section 552.221 requires the release of information as “soon as possible under the circumstances, meaning within a reasonable time, without delay.” Texas Attorney General Open Records Decision 664 at 2 (2001). The Attorney General also stated that the definition of what constitutes a reasonable time “depends on the facts in each case,” and could be “less than or greater than ten business days.” Open Records Decision 664 at 2 (2001). The purpose of House Bill 1083 is to define “promptly” in Section 552.221 of the Government Code as having the meaning given by the Attorney General in Open Records Decision 664.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

House Bill 1083 amends Section 552.221 of the Government Code to define “promptly” as that term is applied to the time period for release of information in response to an open records request. “Promptly” is defined to mean as soon as possible under the circumstances, that is, within a reasonable time, without delay.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, September 1, 2003.