

BILL ANALYSIS

Senate Research Center
78R30 JD-D

S.B. 84
By: Wentworth
State Affairs
1/31/2003
As Filed

DIGEST AND PURPOSE

Currently, Section 552.221, Government Code, requires an officer for public information of a governmental body to promptly produce public information for inspection, duplication, or both. Section 552.221 also states that 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 date and hour within a reasonable time when the information will be available. In an open records decision (ORD-664) in February 2000, then-Attorney General John Cornyn stated that section 552.221 requires the release of information as soon as possible under the circumstances.

As proposed, S.B. 84 amends the Government Code to codify the ruling in ORD-664 by defining “promptly” as meaning “as soon as possible under the circumstances, within a reasonable time, without delay,” thus clarifying that a governmental body is not entitled to automatically withhold for 10 business days information not excepted from public disclosure.

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 552.221(a), Government Code, to define “promptly.”

SECTION 2. Effective date: upon passage or September 1, 2003.