

## **BILL ANALYSIS**

C.S.H.B. 1607  
By: McCall  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, under Section 552.301 of the Government Code, a governmental body that receives a written request for public information that it wishes to withhold from disclosure may ask the Attorney General for a ruling. This petition to the Attorney General's Office must be made within 10 business days after the date of receiving the written request.

During the 75th Regular Session, the Legislature amended the Government Code to allow governmental bodies to receive public information requests electronically. Since then, however, because of the nature of electronic mail, there has been confusion as to when an electronic request is considered received as the statute does not expressly address the issue. In addition, unplanned illnesses or unforeseeable events may also affect the timeliness of the receipt of an electronic request.

CSHB 1607 clarifies the current statute by stating that an electronic request is considered officially "received" on the first business day after the date the electronic request was received by the public information officer.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

CSHB 1607 amends Section 552.301(c) of the Government Code by clarifying that a public information request sent electronically to a governmental body is considered received on the first business day after the date the electronic mail was received by the public information officer as shown by an internet protocol confirmation. CSHB 1607 also defines what constitutes a business day for the purposes of this subdivision.

### **EFFECTIVE DATE**

This Act takes effect upon receiving the necessary votes, otherwise this Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 1607 differs from the original in that the substitute deletes the language "is presumed" and inserts "is considered" on page 1, line 13. The substitute provides that the date of receipt is the first business day "after the date that the electronic mail was received by the officer's designee as shown by an Internet protocol confirmation." The substitute deletes lines 17-22 from the original and inserts a definition of a business day for the purposes of this subdivision.