

BILL ANALYSIS

S.B. 623
By: Hinojosa
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law does not require a person requesting open records information to pay the required fee before the request is processed. A governmental entity is required to obtain an open records decision from the attorney general in order to protect confidential information, once the information has been requested, regardless of whether it has been paid. The time and resources used in the preparation of a brief to the attorney general are not reimbursed to the governmental entity, which creates a problem when a requestor is authorized to force a governmental entity to prepare briefs for the attorney general, before payments have been made.

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

Amends Section 552.263, Government Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Provides that, for the purpose of Subchapter G as well as Subchapter E, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment if the governmental body's officer for public information or the officer's agent requires a deposit or bond.

(f) Provides that a requestor who fails to make a deposit or post a bond required under Subsection (c) before the 10th day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2005