

BILL ANALYSIS

H.B. 1077
By: Rose
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Administrative Law Judges (ALJs) at the State Office of Administrative Hearings often communicate via electronic mail regarding contested cases before them. Unlike judges in the judicial branch of government, whose communications and deliberations are not subject to disclosure under the Public Information Act, these judges perform a judicial function as part of a state agency that is subject to the Public Information Act. Current law is unclear about whether notes containing questions and deliberations and e-mails between ALJs about pending cases are excepted from disclosure under the Public Information Act.

As proposed, House Bill 1077 exempts administrative law judges' electronic communications and notes (including electronic communications) that contain their questions and deliberations from disclosure under the Public Information Act.

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

House Bill 1077 amends the Government Code to rename Section 552.144 as EXCEPTION: WORKING PAPERS AND ELECTRONIC COMMUNICATIONS OF ADMINISTRATIVE LAW JUDGES AT STATE OFFICE OF ADMINISTRATIVE HEARINGS. The bill extends an exception for notes and electronic communications recording the observations, thoughts, questions, deliberations, or impressions of an administrative law judge at the State Office of Administrative Hearings from disclosure as public information.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.