

BILL ANALYSIS

H.B. 1497
By: Van Arsdale
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 552.222 of the Government Code provides certain permissible inquiries by the governmental body to the requestor. The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided by Subsection (b) or (c).

Subsection (b) states that if what information is requested is unclear to the governmental body, the governmental body may ask the requestor to clarify the request. If a large amount of information has been requested, the governmental body may discuss with the requestor how the scope of a request might be narrowed.

Subsection (c) states that if the information requested relates to a motor vehicle record, the officer for public information or the officer's agent may require the requestor to provide additional identifying information.

Currently, if a governmental body makes a permissible inquiry under Government Code Section 552.222, and the requestor does not respond, there is no way to close out or comply with the request. This legislation would remedy that situation.

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

This legislation would amend Section 552.222 of the Government Code by adding Subsection (d), which states that if a governmental body makes a written inquiry to the requestor as provided by Subsection (b) or (c) under this section, and the requestor does not respond to the written inquiry within 30 days from the date the governmental body sent the written inquiry, then the request is considered to have been withdrawn by the requestor. Also, this legislation would add Subsection (e), which states that a written request for clarification or discussion under Subsection (b) or a written request for additional information under Subsection (c) must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion or additional information. This legislation would not be retroactive.

EFFECTIVE DATE

September 1, 2007.