

## **BILL ANALYSIS**

H.B. 2564  
By: Hancock  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current statute provides that a governmental body may charge a fee for the production or copying of public information upon a request. However, a person or persons may make more than one request per year for the production of public information. Furthermore, many types of requests for production require substantially more employee or personnel time needed to comply with the request.

House Bill 2564 provides that a governmental body may establish a reasonable time limit on the amount of time that personnel are required to spend producing information in compliance with a request for public information. Furthermore, this bill provides for a process in which the governmental body may charge a fee if the time limit required for information production is exceeded.

### **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 2564 authorizes a governmental body to establish a reasonable time limit that the governmental body's personnel is required to spend producing public information, upon request, without additional charge to the requestor. The bill prohibits a governmental body from establishing a time limit less than thirty-six hours for a requestor during each fiscal year. The time limit established under H.B. 2564 includes any public information requests made on behalf of, or in the name of, a minor.

The bill provides that if a governmental body establishes a time limit under subsection (a) and complies with a request for public information, the governmental body is required to provide a written statement to the requestor detailing the amount of personnel time spent complying with the request and the cumulative time spent complying with requests for public information from that requestor during the applicable 12-month period, not including the time spent preparing the written statement.

The bill provides that if the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limit established by the governmental body, the governmental body is required to provide the requestor with a written estimate of the total cost of complying with a request on or before the 10th day after the date on which the public information was requested. Furthermore, if the governmental body determines that additional time is required to comply with a request, that body must submit a written statement of that determination to the requestor on or before the 10th day after the date the governmental body provided the statement under this section.

H.B. 2564 provides that if a governmental body provides a requestor with a written statement of additional time and cost for compliance with a request for public information, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information unless the requestor submits a written statement of the requestor's commitment to pay the lesser of: the actual costs of complying with the request or the amount stated in the body's written estimate of the total cost of compliance. The bill provides that if the requestor fails or refuses to submit a written statement of a commitment to pay, the request is

considered to have been withdrawn. H.B. 2564 does not prohibit a governmental body from providing a copy of public information at a reduced rate or free of charge.

**EFFECTIVE DATE**

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