

## **BILL ANALYSIS**

S.B. 178  
By: Wentworth  
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, Senate Bill 178 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**

SECTION 1. Amends Section 552.144, Government Code, as follows:

Sec. 552.144. New heading: EXCEPTION: WORKING PAPERS AND ELECTRONIC COMMUNICATIONS OF ADMINISTRATIVE LAW JUDGES AT STATE OFFICE OF ADMINISTRATIVE HEARINGS. Adds the electronic communications of administrative law judges in the State Office of Administrative Hearings to the types of communications that are excepted from the requirements of Sec. 552.021 (Availability of Public Information). Adds communications of questions and deliberations of an administrative law judge to the types of communications that are excepted from those requirements. Makes a conforming change.

SECTION 2. Effective date: upon passage or the 91st day after adjournment.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect August 27, 2007.