

BILL ANALYSIS

S.B. 1047
By: Seliger
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides that only staff members of the Office of the Attorney General's (OAG) Consumer Protection Division are allowed to inspect and copy documents obtained through a civil service investigation demand and appears to contemplate that only a single authorized employee of that division is allowed to review the information obtained. This is impractical because several attorneys and employees within the Consumer Protection Division may require access to the information in order to investigate and prepare a case properly.

As proposed, Senate Bill 1047 authorizes the inspection of information obtained by OAG through a civil investigative demand to be reviewed by more than one employee, including employees of other divisions within OAG. This bill also updates the definition of "consumer protection division" because that division is no longer referred to as the "antitrust and consumer protection division."

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 17.45(8), Business & Commerce Code, to redefine "consumer protection division."

SECTION 2. Amends Sections 17.61(b) and (f), Business & Commerce Code, as follows:

(b) Clarifies the requirement that a civil investigative demand identify the persons authorized by the consumer protection division, rather than members thereof, to whom the documentary material is to be made available for inspection and copying.

(f) Prohibits documentary evidence produced pursuant to a demand under this section (Civil Investigative Demand) from being produced for inspection and copying by, or disclosed to, any person other than the authorized employee of the attorney general's office, rather than the consumer protection division, without the consent of the person who produced the material. Makes conforming changes relating to the duties of the office of the attorney general, rather than the consumer protection division.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.