

By: Van Arsdale

H.B. No. 1497

A BILL TO BE ENTITLED

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AN ACT

relating to the consequences of the failure by a person requesting information under the public information law to timely respond to certain written communications from a governmental body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.222, Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) If by the 61st day after the date a governmental body sends a written request for clarification or discussion under Subsection (b) or an officer for public information or agent sends a written request for additional information under Subsection (c) the governmental body, officer for public information, or agent, as applicable, does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

(e) 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.

(f) If the requestor's request for public information included the requestor's physical or mailing address, the request may not be considered to have been withdrawn under Subsection (d)

1 unless the governmental body, officer for public information, or
2 agent, as applicable, sends the request for clarification or
3 discussion under Subsection (b) or the written request for
4 additional information under Subsection (c) to that address by
5 certified mail.

6 SECTION 2. Sections 552.222(d), (e), and (f), Government
7 Code, as added by this Act, apply only to a request for information
8 that is received by a governmental body or an officer for public
9 information on or after the effective date of this Act. A request
10 for information that was received before the effective date of this
11 Act is governed by the law in effect on the date the request was
12 received, and the former law is continued in effect for that
13 purpose.

14 SECTION 3. This Act takes effect September 1, 2007.