

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 15, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2248 by Van Arsdale (Relating to the ability of a governmental body under the public information law to request a redetermination from the attorney general on dismissal of litigation relating to the same issue.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Public Information Act (Act) to allow governmental bodies to dismiss a lawsuit under the Act if the Attorney General finds that the requestor has withdrawn or abandoned their request.

The bill would take effect September 1, 2007.

According to the Office of Attorney General (OAG), under current statute, after a suit challenging an open records letter ruling is filed by a governmental body or a third party against the OAG, a requestor sometimes withdraws or abandons their request for the information at issue in the suit. In this situation, it is generally unnecessary for the parties to continue the litigation because there is no longer a "live" request for the information. However the governmental body may often continue to litigate the case because Government Code, Section 552.301(f), prohibits a governmental body from ever seeking another ruling on the same information at issue once they have received a ruling from the Attorney General. The bill would promote judicial efficiency by allowing a governmental body to dismiss a suit and make another request for a ruling in the future if the requestor has withdrawn or abandoned the request. The OAG reports that the bill would eliminate cases that are truly no longer in dispute and therefore would assist in working the open records docket in the OAG's Administrative Law Division.

Local Government Impact

The fiscal impact to a local governmental body would depend on the number of cases applicable under the provisions of the bill.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, KJG, DB