

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

IN RE: HB2564 by Hancock (Relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 552 of the Government Code by adding section 552.275. Section 552.275 would allow a governmental body to set a time limit for the amount of time it would spend copying or providing information for inspection at no charge. The time limit may not be less than 36 hours for one requestor during one fiscal year. Section 552.275 would require that, each time a governmental body complies with a request without charging for personnel time, it must provide the requestor with a statement showing the number of personnel hours spent complying with the request, and the cumulative amount spent during the applicable fiscal year.

If in connection with a request, the cumulative amount of personnel time spent complying with requests from the same requestor were to reach the limit set by the governmental body, the governmental body would be authorized to charge the requestor for the cost of complying with the request (including materials, personnel time, overhead). The governmental body would then be required to provide the requestor with a cost estimate within 10 business days of when the request was received. If the governmental body needs more time, it could send the requestor notice explaining that it needs up to an additional 10 business days to provide the cost estimate.

Once the requestor receives the estimate, the requestor must respond within 10 business days by agreeing to pay the lesser of (1) the actual costs incurred, or (2) the amount estimated. If the requestor does not respond within 10 business days, the request is considered withdrawn.

In addition, section 552.275 states that it is not meant to prohibit a governmental body from providing information at no cost or at a reduced rate or from waiving a charge. In addition, the bill includes certain requestors to which the provisions of the bill would not apply.

The bill would apply only to public information requests submitted in a fiscal year that begins on or after the effective date of the bill, which would be September 1, 2007.

According to the Office of Attorney General (OAG), the proposed legislation may result in changes to the OAG's Public Information Coordinator Division's procedures for charging requestors, and would therefore initially create some additional work for the Public Information Coordinator. As it cannot be anticipated if or how often there would be situations that implicate Section 552.275, and in which the requestor decides to submit payment as a result, the OAG's Public Information Coordinator Division is unable to determine/quantify any additional general revenue to the OAG. If section 552.275 results in any additional general revenue to the OAG, the Public Information Coordinator Division believes that it would be minimal.

In addition, the OAG anticipates any additional work resulting from the passage of the bill could be reasonably absorbed with current resources.

Local Government Impact

The fiscal impact to local governmental entities would vary depending on the number of requests that fit the criteria of the bill. The local governments contacted estimate that the fiscal impact would not be significant.

Source Agencies: 302 Office of the Attorney General

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