

BILL ANALYSIS

C.S.H.B. 4140
By: Homer
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Commercial requests for records maintained by county and district clerks have increased in number and scope. Such requests have slowed the completion of statutory duties of these offices. Further, the fees allowed for such requests often do not cover the expenses in time, materials, and labor required to respond to such requests.

C.S.H.B. 4140 defines "bulk data request," governs handling of such a request, and authorizes a governmental body to charge a specified fee in response to such a request.

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

C.S.H.B. 4140 amends the Government Code to define "bulk data request," for purposes of the open records law, as a request for copies of public information that would involve producing copies of 100 pages or more in response. The bill specifies that, notwithstanding any other provision of that law, a governmental body is not required to produce information in response to a bulk data request in any medium other than that in which the information is maintained. The bill specifies further that a governmental body is not required to produce a document responsive to a bulk data request in the requested format if the public information is maintained in the same medium as the medium requested by the requestor.

C.S.H.B. 4140 authorizes a governmental body, notwithstanding any other provision of the open records law, to charge an amount not to exceed 20 cents per page in providing a copy of information subject to a bulk data request.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 4140 does not apply to those involved in the news media and in the title insurance business from the provisions in the bill. The substitute also changes the maximum amount a governmental body may charge per page in providing a copy of information subject to a bulk data request from 20 cents to 2 cents per page.