

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

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

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

IN RE: SB1182 by Wentworth (Relating to the open records steering committee, reports to the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to make amendments to the Public Information Act (PIA).

Currently, a governmental body that requests an open records decision from the Office of the Attorney General (OAG) under section 552.301(a) must submit written arguments to the OAG concerning the applicability of exceptions in the PIA within 15 business days of receiving the request for information. The bill would require the governmental body to also provide a copy of those written arguments to the requestor within 15 business days.

The bill also would clarify that the only suit a governmental body may file when trying to withhold information under the PIA is a suit against the OAG that seeks declaratory relief (rather than a mandamus action) from compliance with an open records decision of the OAG. Additionally, a governmental body wishing to preserve affirmative defenses for its public information officer found in section 552.353(b)(3) must file suit within the deadlines provided by that section.

Sections 5, 6, 7, and 8 of the bill would clarify certain sections of the PIA relating to litigation between the OAG and governmental bodies.

The bill would take effect on September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

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