

## **BILL ANALYSIS**

C.S.H.B. 1671  
By: Marquez  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

State open records law makes the state's policy on the disclosure of certain public information clear in that a person is entitled to certain information about the affairs of government and the official acts of public officials and employees, unless the law provides otherwise. Open records law expresses the notion that the people of Texas, in delegating the authority to conduct state business on their behalf, do not give their public servants the right to decide what citizens of the state should know and what they should not know. A few issues, however, require special attention, such as the deposit or bond posted for payment of anticipated costs for the preparation of a copy of public information; the deadline for a governmental body to request a decision from the attorney general on exceptions to open records law; and the redaction of certain personal information relating to motor vehicles. C.S.H.B. 1671 seeks to address these issues.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTIONS 1 and 2 of this bill.

### **ANALYSIS**

C.S.H.B. 1671 amends the Government Code to authorize a governmental body, subject to the Motor Vehicle Records Disclosure Act, to redact information relating to a motor vehicle operator's or driver's license or permit issued by a state agency or a personal identification document issued by a state or local agency from any information the governmental body discloses under state open records law without the necessity of requesting a decision from the attorney general. The bill authorizes a governmental body to redact information relating to a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body from any information the governmental body discloses under state open records law without the necessity of requesting a decision from the attorney general.

C.S.H.B. 1671 entitles a requestor of such information, if under the bill's provisions a governmental body redacts or withholds the information without requesting a decision from the attorney general about whether the information may be redacted or withheld, to seek a decision from the attorney general about the matter. The bill requires the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person.

C.S.H.B. 1671 requires the attorney general to promptly render a requested decision, determining whether the redacted or withheld information was excepted from required disclosure to the requestor, not later than the 45th business day after the date the attorney general received the request for the decision. The bill requires the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. The bill authorizes the requestor or the governmental body to appeal the decision of

the attorney general to a Travis County district court.

C.S.H.B. 1671 requires a governmental body that redacts or withholds information relating to a motor vehicle operator's or driver's license or permit issued by a state agency, a personal identification document issued by a state or local agency, or a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body to provide the following information to the requestor on a form prescribed by the attorney general: a description of the redacted or withheld information, a citation to the bill's provisions, as applicable, and instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

C.S.H.B. 1671 establishes that a modified request for public information is considered a separate request for the purposes of state open records law and is considered received on the date the governmental body receives the written modified request if a requestor modifies the request in response to the requirement of a deposit or bond for providing copies of public information. The bill establishes that, for the purposes of attorney general decisions regarding exceptions to open records law, a written request for public information is considered to have been received by a governmental body on the third business day after the date of the postmark on a properly addressed request if the governmental body receives a written request by United States mail and cannot adequately establish the actual date on which the governmental body received the request.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1671 omits a provision contained in the original authorizing a governmental body to redact information relating to a motor vehicle title or registration issued by a state agency from any information the governmental body discloses under state open records law.

C.S.H.B. 1671 contains a provision not included in the original entitling a requestor of certain information, if under the bill's provisions a governmental body redacts or withholds the information without requesting a decision from the attorney general about whether the information may be redacted or withheld, to seek a decision from the attorney general about the matter. The substitute contains provisions not included in the original requiring the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person; requiring the attorney general to promptly render a requested decision by a certain deadline; requiring the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter; and authorizing the requestor or the governmental body to appeal the decision of the attorney general to a Travis County district court.

C.S.H.B. 1671 contains a provision not included in the original requiring a governmental body that redacts or withholds certain information under the bill's provisions to provide specified information to the requestor on a form prescribed by the attorney general.