

## **BILL ANALYSIS**

S.B. 1882  
By: Zaffirini  
Government Efficiency & Reform  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Several decades ago, the Texas Legislature enacted public information laws to codify the state's policy regarding the public's entitlement at all times to complete information about the affairs of government and the official acts of public officials and employees. Although certain confidential information can remain protected from disclosure in response to private citizen requests, there is an exception to this general rule for requests by legislators for legislative purposes.

The term "confidential" is not defined in this context, but it is generally accepted that the intent was to allow legislators to access all public information upon request. However, it has been noted that the disclosure of confidential information to a legislator under public information law does not waive or affect the information's confidentiality, and that the governmental body may require the legislator to sign a confidentiality agreement to not disclose the confidential information.

A court recently ruled that information deemed privileged attorney-client communications and attorney work product are subject to disclosure to a legislative requestor under public information law. Nevertheless, situations have arisen in which a governmental body has questioned the scope of the law's provisions that address a legislator's request. S.B. 1882 seeks to clarify public information law regarding a request for information for legislative purposes.

### **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**

S.B. 1882 amends the Government Code to require a governmental body to promptly produce information requested by individual members, agencies, or committees of the legislature and to define "promptly" for purposes of such a response. The bill requires the governmental body, if the governmental body cannot produce public information for inspection or duplication within 10 business days after the date of such request, to certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. The bill requires a governmental body, on request by an individual member, agency, or committee of the legislature, to provide the information requested as it becomes available and prohibits the governmental body from delaying the production of any available information on the grounds that all of the information that must be produced under the request is not yet available for release.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.