

BILL ANALYSIS

C.S.H.B. 2839
By: Capriglione
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that a public information officer should be allowed to refer individuals to a website that is run by the governmental body to comply with a request for public information. The parties also believe that it would be beneficial for certain changes to be made regarding the procedures for the release of copyrighted information and personal information concerning certain utility customers under state public information law. C.S.H.B. 2839 seeks to provide for these changes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2839 amends the Government Code to establish that, in addition to other specified methods of production, an officer for public information of a governmental body complies with the requirement to promptly produce requested public information by referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website that, at the time of the referral, is accessible to the public if the requested information is identifiable and readily available on that website.

C.S.H.B. 2839 amends the Utilities Code to authorize a governmental body to withhold information prohibited from being disclosed under statutory provisions relating to the confidentiality of personal information concerning a government-operated utility customer without the necessity of requesting a decision from the attorney general under state public information law.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2839 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 552.221, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the methods of production described by Subsection (b), an officer for public information complies with Subsection (a) by referring a requestor to a website maintained by the governmental body and accessible to the public if the requested information is identifiable and readily available on that website.

SECTION 2. Subchapter E, Chapter 552, Government Code, is amended by adding Section 552.233 to read as follows:

Sec. 552.233. RESPONDING TO REQUESTS FOR COPYRIGHTED INFORMATION. (a) An officer for public information complies with Section 552.221(a) by producing for inspection requested information that is protected by copyright law.

(b) An officer for public information is not required to furnish copies of copyrighted information and may refuse to furnish such copies without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 3. Section 182.052, Utilities Code, is amended.

SECTION 4. The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 552.221, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the methods of production described by Subsection (b), an officer for public information complies with Subsection (a) by referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website that at the time of the referral is accessible to the public if the requested information is identifiable and readily available on that website.

No equivalent provision.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.