

## **BILL ANALYSIS**

H.B. 3107  
By: Ashby  
Government Transparency & Operation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain governmental bodies are unduly burdened with large or repeated requests for public information. H.B. 3107 seeks to relieve such burden and prevent abuse of state public information law by revising the law relating to the production of public information, particularly with regard to requests that require a large amount of employee or personnel time.

### **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**

H.B. 3107 amends the Government Code to establish that a request for public information is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued for providing copies of public information on or before the 60th day after the date the requestor is informed of the charges. The bill authorizes all requests for public information received in one calendar day from an individual to be treated as a single request for purposes of calculating the costs for providing copies of the information. The bill prohibits a governmental body from combining multiple requests from separate individuals who submit requests on behalf of an organization.

H.B. 3107 authorizes a governmental body to establish reasonable monthly limits, in addition to reasonable yearly limits, on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor whose request requires a large amount of employee or personnel time, or providing copies of public information to such a requestor, without recovering its costs attributable to that personnel time. The bill authorizes all county officials who have designated the same officer for public information to calculate the amount of time that personnel are required to spend collectively for purposes of the monthly or yearly limit. The bill prohibits a monthly time limit from being less than 15 hours for such a requestor for a one-month period. The bill expressly does not require a governmental body to locate, compile, produce, or provide copies of documents or prepare a written cost-estimate statement for the production in response to a new request made by such a requestor who has made a previous request to a governmental body that has not been withdrawn, for which the governmental body has located and compiled documents in response, and for

which the governmental body has issued a cost-estimate statement that remains unpaid on the date the requestor submits the new request until the date the requestor pays each unpaid cost-estimate statement issued in connection with a previous request or withdraws the previous request to which the statement applies.

H.B. 3107 revises a statutory provision relating to a governmental body's public information production requirements upon providing a requestor with a cost-estimate statement to expressly not require a governmental body that provides a requestor whose monthly or yearly limits, as applicable, have been exceeded with a cost-estimate statement to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless, on or before the 10th day after the date the governmental body provided the cost-estimate statement, the requestor submits payment of the amount stated in the cost-estimate statement. The bill revises the applicability of provisions governing requests that require large amounts of employee or personnel time to exempt from the application of such provisions a requesting individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for dissemination by a news medium or communication service provider.

H.B. 3107 entitles a person who claims to be the victim of a violation of state public information law to file a complaint with the attorney general on or after the 90th day after the date the person files the complaint with a district or county attorney if the district or county attorney has not brought an action for a declaratory judgment or injunctive relief to remedy the violation that is the subject of the complaint.

**EFFECTIVE DATE**

September 1, 2017.