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| BILL ANALYSIS |

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| H.B. 4083 |
| By: Goldman |
| Judiciary & Civil Jurisprudence |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  Currently, the Railroad Commission of Texas (RRC) Hearings Division administrative law judges (ALJs) and technical examiners (TEs) do not have clear protection from disclosure of their case deliberations, impressions, notes, emails, etc. There is the potential that the Office of Attorney General would determine that such information should be protected from disclosure if a request for disclosure was received, but this outcome is not guaranteed. This lack of protection from disclosure inhibits open discussion among the ALJs and TEs. While this inhibition has always been troublesome, it is exacerbated with telework. ALJs and TEs do not feel free to have email discussions or conversations via Microsoft Teams. Having a specific exception to public availability requirements of state public information law would allow more efficient and thorough communication in the Hearings Division. This exemption currently exists for the ALJs at the State Office of Administrative Hearings, and H.B. 4083 seeks to extend the exemption to certain documents and communications of ALJs and TEs at the RRC. |
| **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. 4083 amends the Government Code to except from the public availability requirements of state public information law certain working papers and electronic communications of a technical examiner or administrative law judge at the Railroad Commission of Texas. The bill applies only to a request for public information received by a governmental body or an officer for public information on or after the bill's effective date. |
| **EFFECTIVE DATE**  September 1, 2023. |