

BILL ANALYSIS

H.B. 4990

By: Canales

Delivery of Government Efficiency
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the Office of the Attorney General (OAG) requires additional statutory powers in order to ensure compliance with public information law. The bill author has also informed the committee that codifying the OAG's Open Government Hotline would ensure this valuable and popular public service remains intact and supported by the Texas Legislature. H.B. 4990 seeks to provide for better compliance with public information law and to ensure that members of the public and governmental bodies can receive accurate and immediate information about public information law.

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. 4990 amends the Government Code to require the attorney general to operate an open records hotline that a member of the public or an employee or officer of a governmental body may access by calling a toll-free telephone number to ask any question regarding the requirements of state public information law, including the proper procedure to request information from a governmental body and for a governing body to comply with state public information law. The bill requires the attorney general to respond to the caller's questions as the attorney general considers appropriate to promote compliance with state public information law.

H.B. 4990 authorizes a person who has requested public information from a governmental body under state public information law and believes that the governmental body has failed to provide the information in compliance with that law to file with the attorney general a written complaint that must include the following:

- the original request for information that is the subject of the complaint;
- any correspondence received from the governmental body that is the subject of the complaint in response to the request; and
- a statement setting forth how the complainant believes that the governmental body has failed to comply with the requirements of state public information law.

The bill authorizes the attorney general to submit written questions regarding the complaint to the governmental body that is the subject of the complaint. The bill requires the governmental body to respond in writing to the questions not later than the fifth business day after the date the questions are received by the governmental body. The bill requires the attorney general to review each complaint and issue a written response to both the complainant and the governmental body

that is the subject of the complaint not later than the 20th business day after the date the complaint is filed with the attorney general.

H.B. 4990, with respect to the requirement that the attorney general make a written determination regarding the attorney general's review of a complaint of overcharge or overpayment for a copy of public information, specifies that the attorney general must make that determination not later than the 10th business day after the date the complaint is received by the attorney general. The bill reduces from within 10 business days after the date questions are received by a governmental body to not later than the fifth business day after the date questions are received by a governmental body the deadline by which a governmental body must respond to written questions from the attorney general regarding charges for providing a copy of public information. These provisions apply only to an overcharge or overpayment complaint made to the Office of the Attorney General on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.