

BILL ANALYSIS

Senate Research Center
78R3834 JD-D

S.B. 919
By: Whitmire
Government Organization
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As Filed

DIGEST AND PURPOSE

Currently, Texas law does not authorize an agency fulfilling a request under the Open Records Act to use a common or contract carrier, such as FedEx. As proposed, S.B. 919 provides that when fulfilling a document request, it is considered to be met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier with satisfactory proof that it was deposited in the mail or with a common or contract carrier within the required time period.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 552.308, Government Code, to read as follows:

Sec. 552.308. New heading: TIMELINESS OF ACTION BY UNITED STATES MAIL, INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER.

SECTION 2. Amends Section 552.308(a), Government Code, to provide that when this subchapter requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and it bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period or the person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

SECTION 3. Effective date: upon passage or September 1, 2003.