

## **BILL ANALYSIS**

Senate Research Center  
79R2267 JRD-D

S.B. 452  
By: Wentworth  
Government Organization  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Building and Procurement Commission (commission) and the Office of the Attorney General have certain duties and responsibilities under the Public Information Act. Specifically, the commission's duties include receiving reports from state agencies regarding requests for public information received and the costs of compiling and producing that information to the requestors.

S.B. 452 transfers all of the duties of the commission pursuant to Chapter 552, Government Code, to the Office of the Attorney General, in order to streamline the duties regarding public information into one agency.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the General Services Commission is transferred to the attorney general in SECTION 3 (Section 552.205, Government Code) and SECTION 6 (Section 552.262, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 552.009(a), (b), and (c), Government Code, to amend the composition of the open records steering committee to include a representative of the Texas Building and Procurement Services Commission, rather than the General Services Commission, and five public members, appointed by the attorney general, rather than the General Services Commission. Provides that advising requirements under this section are in regards to the office of the attorney general's performance of its duties under Sections 552.010, 552.205, 552.262, 552.269, and 552.274, Government Code, rather than the General Services Commission's performance of its duties under this chapter. Makes conforming changes.

SECTION 2. Amends Section 552.010, Government Code, as follows:

Sec. 552.010. STATE GOVERNMENTAL BODIES: FISCAL AND OTHER INFORMATION RELATING TO MAKING INFORMATION ACCESSIBLE. Requires each state governmental body to report to the attorney general, rather than the Texas Building and Procurement Commission, certain information and makes conforming changes.

SECTION 3. Amends Section 552.205, Government Code, as follows:

Sec. 552.205. INFORMING PUBLIC OF BASIC RIGHTS AND RESPONSIBILITIES UNDER THIS CHAPTER. Makes conforming changes.

SECTION 4. Amends Section 552.231(b), Government Code, to make conforming changes.

SECTION 5. Amends Section 552.2615(b), Government Code, to make conforming changes.

SECTION 6. Amends Section 552.262, Government Code, as follows:

Sec. 552.262. New heading: RULES OF THE ATTORNEY GENERAL. Makes conforming changes.

SECTION 7. Amends Section 552.269, Government Code, as follows:

Sec. 552.269. OVERCHARGE OR OVERPAYMENT FOR COPY OF PUBLIC INFORMATION. Makes conforming changes.

SECTION 8. Amends the heading to Section 552.274, Government Code, to read as follows:

Sec. 552.274. REPORTS BY ATTORNEY GENERAL AND STATE AGENCIES ON COST OF COPIES.

SECTION 9. Amends Sections 552.274(a) and (b), Government Code, to make conforming changes.

SECTION 10. Amends Section 405.031(d), Government Code, to make conforming changes.

SECTION 11. Amends Section 402.081(d), Labor Code, to make a conforming change.

SECTION 12. (a) Provides that, on the effective date of this Act, except as provided by Section 552.009(a)(1)(F), Government Code, as amended by this Act, all powers and duties of the Texas Building and Procurement Commission under the public information law, Chapter 552, Government Code, are transferred to the attorney general; all appropriations to the Texas Building and Procurement Commission for the purpose of performing those duties, all personnel of the Texas Building and Procurement Commission who are employed to perform those duties, and all records and other property of the Texas Building and Procurement Commission used to perform those duties are transferred to the attorney general; all rules, forms, and signs adopted or prescribed by the Texas Building and Procurement Commission or its predecessor under Chapter 552, Government Code, are continued in effect as if they were rules, forms, or signs adopted or prescribed by the attorney general until they are repealed or otherwise changed by the attorney general; and a reference in law to the Texas Building and Procurement Commission, the General Services Commission, the State Purchasing and General Services Commission, or the Board of Control in relation to the performance of the transferred duties is considered to be a reference to the attorney general.

(b) Provides that the validity of an authorization granted, determination made, or other action taken by the Texas Building and Procurement Commission or its predecessor under Chapter 552, Government Code, is not affected by the transfer of powers and duties under this Act.

SECTION 13. Effective date: September 1, 2005.