

BILL ANALYSIS

Senate Research Center
80R2465 JRD-F

H.B. 2248
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

After a suit challenging an open records letter ruling is filed by a governmental body or a third party against the Office of the Attorney General (OAG), a requestor sometimes withdraws its request for the information in the suit. In this situation, it is a waste of judicial and party resources to continue litigation. Section 552.301(f) Government Code, prohibits a governmental body from asking for another ruling if it has received a ruling that requires disclosure and a court has not made a final decision. Thus, there is still a controversy between the OAG and the governmental body or a third party plaintiff, but there is no longer a requestor who wants the information. To avoid the consequences, a governmental body/third party may continue to contest the ruling, but the result is meaningless in one respect because a requestor no longer exists.

H.B. 2248 authorizes a governmental body to ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision under certain conditions.

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 Section 552.301, Government Code, by adding Subsection (g), to authorize a governmental body to ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general under this subchapter (Attorney General Decisions) under certain conditions.

SECTION 2. Amends Subchapter H, Chapter 552, Government Code, by adding Section 552.327, as follows:

Sec. 552.327. DISMISSAL OF SUIT DUE TO REQUESTOR'S WITHDRAWAL OR ABANDONMENT OF REQUEST. Authorizes a court to dismiss a suit challenging a decision of the attorney general brought in accordance with this chapter if all parties to the suit agree to the dismissal, and the attorney general determines and represents to the court that the requestor has voluntarily withdrawn the request for information in writing or has abandoned the request.

SECTION 3. Effective date: September 1, 2007.