

BILL ANALYSIS

Senate Research Center

H.B. 2564
By: Hancock (Wentworth)
State Affairs
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that a governmental body is authorized to charge a fee for the production or copying of public information upon a request. However, a person or persons may make more than one request per year for the production of public information. In addition, many types of requests require a substantial amount of employee or personnel time to comply with the request. Both of these factors raise the operation costs of a governmental body.

H.B. 2564 authorizes a governmental body to establish a reasonable time limit on the amount of time that personnel are required to spend producing information in compliance with a request for public information. The bill also provides a process in which the governmental body may charge a fee if the time limit required for information production is exceeded.

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 Subchapter F, Chapter 552, Government Code, by adding Section 552.275, as follows:

Sec. 552.275. REQUESTS THAT REQUIRE LARGE AMOUNTS OF EMPLOYEE OR PERSONNEL TIME. (a) Authorizes a governmental body to establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

(b) Prohibits a time limit established under Subsection (a) from being less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

(c) Provides that, in determining whether a time limit established under Subsection (a) applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Section 101.003(a), Family Code, is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that individual establishes that another person submitted that request in the name of the minor.

(d) Requires a governmental body, if it establishes a time limit under Subsection (a), each time it complies with a request for public information, to provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. Prohibits the amount of time spent preparing the written statement from being included in the amount of time included in the statement provided to the requestor under this subsection.

(e) Requires a governmental body, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limit established by the governmental body under Subsection (a), to provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. Requires the estimate to be provided to the requestor on or before the 10th day after the date on which the public information was requested.

(f) Requires a governmental body, if it determines that additional time is required to prepare the written estimate under Subsection (e) and provides the requestor with a written statement of that determination, to provide the statement under that subsection as soon as practicable, but on or before the 10th day after the date the governmental body provided the statement under this subsection.

(g) Provides that, if a governmental body provides a requestor with the written statement under Subsection (e), it is not required to produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the governmental body provided the written statement under that subsection, the requestor submits a statement in writing to the governmental body in which the requestor commits to pay the lesser of certain costs as set forth under Subsection (e).

(h) Provides that the requestor is considered to have withdrawn the requestor's pending request for public information if the requestor fails or refuses to submit the written statement under Subsection (g).

(i) Provides that this section does not prohibit a governmental body from providing a copy of public information without charge or at a reduced rate under Section 552.267 (Waiver or Reduction of Charge for Providing Copy of Public Information) or from waiving a charge for providing a copy of public information under that section.

(j) Provides that this section does not apply if the requestor is a certain individual as set forth in this subsection.

(k) Provides that this section does not apply if the requestor is a representative of certain media outlets as set forth in this subsection.

(l) Provides that this section does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state.

(m) Provides that this section does not apply if the requestor is a representative of an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 2

(1) Amends SECTION 1 of H.B. 2564, in added Section 552.275, Government Code (Engrossed Version, page 3, line 26, through page 4, line 9), by striking proposed Subsection (j) and relettering subsequent proposed subsections accordingly.

Committee Amendment No. 3

(1) Amends SECTION 1 of H.B. 2564, in added Section 552.275(m), Government Code (Engrossed Version, page 4, line 23), to provide that the subsection does not apply if the requestor is a publicly funded legal services representative of an organization that is exempt from federal income taxation as set forth in that subsection.