

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 685
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Observers note that the attorney general has determined that a public information officer does not fulfill the officer's duty to produce requested public information by simply referring a requestor to the governmental body's website. Interested parties contend that allowing a public information request to be fulfilled in such a manner could result in a reduction of the cost and time necessary to comply with open records requests and could also encourage governmental bodies to provide more public information on their websites, resulting in more information being readily available to the public. To achieve these purposes, C.S.H.B. 685 seeks to allow a political subdivision of the state to refer open records requestors to the political subdivision's website in response to the request when appropriate.

C.S.H.B. 685 amends current law relating to the production of public information under the public information law.

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 552.221, Government Code, by adding Subsections (b-1) and (b-2), as follows:

(b-1) Provides that in addition to the methods of production described by Subsection (b) (relating to requirements that an officer for public information complies with in producing government information promptly), an officer for public information for a political subdivision of this state complies with Subsection (a) (requiring an officer for public information to produce certain information promptly) by referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website maintained by the political subdivision and accessible to the public if the requested information is identifiable and readily available on that website. Requires the political subdivision, notwithstanding any other provision of this chapter, to supply the information, if the person requesting the information prefers a manner other than access through the URL, by:

(1) providing the public information for inspection or duplication in the offices of the governmental body; or

(2) sending printed copies of the public information by first class United States mail if the person requesting the information requests that copies be provided and pays the postage and any other applicable charges that the requester has accrued under Subchapter F (Charges for Providing Copies of Public Information).

(b-2) Requires that an e-mail contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as provided by Subsection (b-1), if

an officer for public information for a political subdivision provides by e-mail an Internet location or uniform resource locator (URL) address as permitted by Subsection (b-1).

SECTION 2. Amends Section 182.052, Utilities Code, by adding Subsection (e), as follows:

(e) Authorizes a governmental body as defined by Section 552.003 (Definitions), Government Code, to withhold information prohibited from being disclosed under this section without the necessity of requesting a decision from the attorney general under Subchapter G (Attorney General Decisions), Chapter 552, Government Code.

SECTION 3. Provides that the changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.