

BILL ANALYSIS

C.S.H.B. 685
By: Sheets
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 685 amends the Government Code to provide an officer for public information for a political subdivision of the state the option of complying with the requirement to promptly produce requested public information by referring the 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. The bill requires the political subdivision to provide the public information in the manner required by state public information law if the person requesting the information prefers a manner other than access through the website.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 685 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 552.221, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the methods of production described by Subsection (b), an officer for public information for a political subdivision of this state complies with Subsection (a) by referring a requestor to a website maintained by the political subdivision and accessible to the public if the requested information is identifiable and readily available on that website.

SECTION 2. 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. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 552.221, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the methods of production described by Subsection (b), an officer for public information for a political subdivision of this state complies with Subsection (a) 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. If the person requesting the information prefers a manner other than access through the URL, the political subdivision must supply the information in the manner required by Subsection (b).

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.