

BILL ANALYSIS

Senate Research Center

H.B. 951
By: Turner, Bob (Wentworth)
State Affairs
5-17-97
Engrossed

DIGEST

In the 74th Legislative Session, the state's open records law was overhauled to provide greater access to information stored in computer format. Many sections of this law are outdated and are no longer relevant. This bill clarifies the open records statute to ensure that persons requesting copies of public information are charged only for the cost of the copies.

PURPOSE

As proposed, H.B. 951 clarifies the open records statute to ensure that persons requesting copies of public information are charged only for the cost of the copies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.230, Government Code, to authorize a governmental body to promulgate a rule under which public information is authorized to be inspected and copied efficiently, safely, and without delay. Prohibits rules promulgated under Subsection (a) from being inconsistent with any provision of this chapter.

SECTION 2. Amends Chapter 552F, Government Code, as follows:

SUBCHAPTER F. New heading: CHARGES FOR PROVIDING COPIES OF PUBLIC INFORMATION

Sec. 552.261. New heading: CHARGE FOR PROVIDING COPIES OF PUBLIC INFORMATION. Sets forth provisions relating to the charge for providing, rather than the cost of obtaining, a copy of public information. Requires charges to be limited to photocopying costs, unless the pages to be photocopied, rather than copied, are in certain locations. Authorizes the requestor to require the governmental body's officer for public information or the officer's agent to provide the requestor with a written statement as to the amount of time required to copy information, if the charge for providing the copy includes the cost of labor. Requires the statement to be signed by the officer for public information or the officer's agent and the officer's or the agent's name to be typed or legibly printed below the signature. Prohibits a charge from being imposed for providing the written statement to the requestor. Deletes existing Section 552.2611.

Sec. 552.262. RULES OF THE GENERAL SERVICES COMMISSION. Authorizes a governmental body, to determine its own charges for providing copies not to exceed an amount that is greater than 25 percent more than the amount established by the General Services Commission, unless certain conditions apply. Makes conforming and nonsubstantive changes.

Sec. 552.263. New heading: BOND FOR PAYMENT OF COSTS OR CASH PREPAYMENT FOR PREPARATION OF COPY OF PUBLIC INFORMATION. Prohibits

the officer for public information or the officer's agent from requiring a deposit or bond to be paid under Subsection (a) as a down payment for copies of public information that the requestor may request in the future.

Sec. 552.264. COPY OF PUBLIC INFORMATION REQUESTED BY MEMBER OF LEGISLATURE. Requires one copy of public information that is requested from a state agency by a member of the legislature under Section 552.008 to be provided without charge.

Sec. 552.265. New heading: CHARGE FOR CERTIFIED RECORD PROVIDED BY DISTRICT OR COUNTY CLERK. Requires the charge made by a district or county clerk's office to be the charge provided by law. Deletes a provision prohibiting the cost of a copy from being more than the actual cost of copies, as provided by Sections 552.261 and 552.262, unless a certified record, the cost of which is set is requested.

Sec. 552.266. New heading: CHARGE FOR COPY OF PUBLIC INFORMATION PROVIDED BY MUNICIPAL COURT CLERK. Makes conforming changes.

Sec. 552.267. New heading: WAIVER OR REDUCTION OF CHARGE FOR PROVIDING COPY OF PUBLIC INFORMATION. Makes conforming and nonsubstantive changes.

Sec. 552.268. EFFICIENT USE OF PUBLIC RESOURCES. Makes no change.

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

Sec. 552.270. New heading: CHARGE FOR GOVERNMENT PUBLICATION. Provides that this subchapter does not apply to certain publications. Makes a conforming change.

Sec. 552.271. New heading: INSPECTION OF PUBLIC INFORMATION IN PAPER RECORD IF COPY NOT REQUESTED. Makes conforming and nonsubstantive changes.

Sec. 552.272. INSPECTION OF ELECTRONIC RECORD IF COPY NOT REQUESTED. Makes no changes.

Sec. 552.274. REPORT BY STATE AGENCY ON COST OF COPIES. Requires each state agency to provide the General Services Commission detailed information, for use by the commission in preparing the report required by Section 2(c), Chapter 428, Acts of the 73rd Legislature, Regular Session, 1993. Redefines "state agency."

SECTION 3. Amends Section 552.301, Government Code, to provide that a written request includes a request made in writing that is sent to the governmental body electronically by a means such as electronic mail, other electronic media, or facsimile transmission, for purposes of this subchapter.

SECTION 4. Provides that Section 552.027, Government Code, as added by Chapter 302, Acts of the 74th Legislature, Regular Session, 1995, is renumbered as Section 552.028, Government Code.

SECTION 5. Provides that Section 552.124, Government Code, as added by Chapter 219, Acts of the 74th Legislature, Regular Session, 1995, is renumbered as Section 552.125, Government Code.

SECTION 6. Provides that Section 552.124, Government Code, as added by Chapter 260, Acts of the 74th Legislature, Regular Session, 1995, is renumbered as Section 552.126, Government Code.

SECTION 7. Repealer: Sections 552.324 and 552.325, Government Code (Suit by Governmental Body, Parties to Suit Seeking to withhold Information).

SECTION 8. Repealer: Section 3, Chapter 428, Acts of the 73rd Legislature, Regular Session, 1993 (Review and Report by Agencies).

SECTION 9. Effective date: September 1, 1997.

SECTION 10. Emergency clause.