BILL ANALYSIS

Senate Research Center

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S.B. 1042
By: Wentworth
State Affairs
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As Filed

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DIGEST

The Senate Interim Committee on Public Information recommended that the Office of the Attorney General should be given the authority to issue a "previous determination" to indicate that certain information is subject to the disclosure requirements of the Public Information Act because of a previous determination on similar records. The attorney general already has the authority to issue decisions indicating that information has been held to be exempt from the Public Information Act. S.B. 1042 would prohibit a governmental body from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Subchapter C, Government Code, if the governmental body has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request; or a previous determination by a court or the attorney general has been made regarding a specific, clearly delineated category of information to which the requested information belongs.

PURPOSE

As proposed, S.B. 1042 regulates requests for attorney general decisions under the public information law.

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 552.301, Government Code, by adding Subsection (c), to prohibit a governmental body from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Subchapter C if the governmental body has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request; or a previous determination by a court or the attorney general has been made regarding a specific, clearly delineated category of information to which the requested information belongs. Effective date: 90 days after adjournment.