

BILL ANALYSIS

Senate Research Center
76R891 JRD-D

S.B. 1079
By: Shapleigh
State Affairs
4/20/1999
As Filed

DIGEST

Currently, Texas law does not provide for a centralized position in state government to assist members of the public who wish to make a request under the Public Information Act or whose request for information has received an inadequate response. There is no centralized position to expedite requests by government bodies for a decision regarding exceptions to the Public Information Act. S.B. 1079 would create the position of Public Information Advocate within the Office of the Attorney General to assist members of the public with information requests by governmental bodies for decisions regarding exceptions to the Public Information Act.

PURPOSE

As proposed, S.B. 1079 establishes duties for the position of public information advocate within the office of the attorney general.

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 Chapter 552A, Government Code, by adding Section 552.009, as follows:

Sec. 552.009. PUBLIC INFORMATION ADVOCATE WITHIN ATTORNEY GENERAL'S OFFICE. Provides that the position of public information advocate is a position within the office of the attorney general. Requires the advocate on request to assist members of the public who wish to make or who made requests for public information under this chapter. Requires the attorney general to provide a statewide toll-free number by which members of the public may contract the advocate. Requires each governmental body to post the number at the place required to of a meeting under Chapter 551. Requires a governmental body that is not subject to Chapter 551 to post the number at a place convenient to the public in or by the administrative offices of the governmental body. Requires the governmental body to post, with the toll-free number, a statement of the advocate's title and a brief description, to be prescribed by the attorney general, of the advocate's function. Sets forth certain duties of the advocate. Authorizes the attorney general, in relation to the same request for a decision under Section 552.301, to issue a brief expedited decision identifying requested information that clearly is not excepted from required disclosure and issue later a second opinion under Section 552.306 about the remainder of the requested information. Requires the advocate to recommend to the attorney general that a suit for a writ of mandamus be filed under Section 552.321, if in the opinion of the advocate, a governmental body's refusal to allow access to information requires court action.

SECTION 2. Amends Section 552.321, Government Code, to authorize a requestor or the attorney general to file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body refuses to request an attorney general's decision as provided by Subchapter G or refuse to supply public information that is not expected from required disclosure or information.

SECTION 3. Emergency clause.

Effective date: upon passage.