

BILL ANALYSIS

Senate Research Center
82R2428 RWG-D

S.B. 677
By: Gallegos
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Public Information Act was established so that the public remains informed about their government. However, the timing provisions within the act are at times violated; furthermore, the act only grants the public declaratory and injunctive relief. Thus, governmental bodies have little incentive to comply with open records requested except the threat of costly lawsuits. S.B. 677 amends the Texas Public Information Act so that civil penalties may be assessed on governmental bodies who do not comply with the act, without changing the timing provisions.

As proposed, S.B. 677 amends current law relating to the enforcement of the public information law and provides for the imposition of a civil penalty.

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 the heading to Section 552.3215, Government Code, to read as follows:

Sec. 552.3215. DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, OR CIVIL PENALTY.

SECTION 2. Amends Section 552.3215, Government Code, by amending Subsection (b) and adding Subsections (b-1) and (1), as follows:

(b) Authorizes an action for a declaratory judgment, injunctive relief, or a civil penalty to be brought in accordance with this section against a governmental body that violates this chapter.

(b-1) Provides that a governmental body that violates this chapter is subject to a civil penalty not to exceed \$1,000 for each violation. Provides that each day the violation continues is considered a separate violation. Makes a nonsubstantive change.

(1) Requires a civil penalty collected under this section to be deposited in the state treasury to the credit of the general revenue fund.

SECTION 3. Effective date: September 1, 2011.