

## **BILL ANALYSIS**

Senate Research Center  
82R27568 RWG-D

C.S.S.B. 677  
By: Gallegos  
Open Government  
5/13/2011  
Committee Report (Substituted)

### **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 requests except the threat of costly lawsuits. C.S.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. Furthermore, C.S.S.B. 677 requires that requestors specifically notify governmental bodies of violations, and provide the governmental body an opportunity to remedy the situation before the requestor can seek penalties.

C.S.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), (b-2), 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 \$500 for each written request for public information to which the governmental body's violation applies. Authorizes an action for a civil penalty in connection with a particular written request for public information to be brought only if:

(1) the requestor notifies the governmental body in writing that the requestor considers the governmental body to be in violation of a specific provision of this chapter; and

(2) the governmental body has not remedied the violation or taken reasonable steps to remedy the violation before the 10th day after the date on which the governmental body receives the notification under Subdivision (1).

(b-2) Provides that a governmental body is subject to an additional civil penalty not to exceed \$100 for each day the violation continues after the last day under Subsection (b-

1)(2) on which the governmental body may avoid a civil penalty by remedying or taking reasonable steps to remedy the violation.

(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.