

BILL ANALYSIS

Senate Research Center
84R9638 DDT-D

H.B. 2134
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law regarding public information requests to governmental bodies provides that a request is considered to have been withdrawn if there is no response to a clarification request by the requestor within 61 days. A requestor who provides a physical or mailing address does not have their request withdrawn unless a clarification request is sent by the governmental body to the address by certified mail. H.B. 2134 provides a reasonable standard for requests sent through electronic mail by permitting communication to be sent by a governmental body in the same format. This would create less of a burden for governmental bodies.

H.B. 2134 amends current law relating to allowing a governmental body to request clarification of a request for public information by electronic mail.

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 Section 552.222, Government Code, by amending Subsection (f) and adding Subsection (g), as follows:

(f) Adds an exception under Subsection (g) and makes no further change to this subsection.

(g) Authorizes a requestor's request for public information, if the request was sent by electronic mail, to be considered to have been withdrawn under Subsection (d) if:

(1) the governmental body, officer for public information, or agent, as applicable, sends the request for clarification or discussion under Subsection (b) (authorizing the governmental body to ask the requestor to clarify the request) or the written request for additional information under Subsection (c) (relating to a request for public information in regards to a motor vehicle record) by electronic mail to the same electronic mail address from which the original request was sent or to another electronic mail address provided by the requestor; and

(2) the governmental body, officer for public information, or agent, as applicable, does not receive from the requestor a written response or response by electronic mail within the period described by Subsection (d) (providing that a request for public information is considered to have been withdrawn by the requestor if a certain written response is not received).

SECTION 2. Provides that the change in law made by this Act applies only to a request for information that is received by a governmental body, an officer for public information, or an agent on or after the effective date of this Act. Provides that a request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2015.