



April 8, 2002

Mr. Royce Poinsett  
Assistant General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR2002-1734

Dear Mr. Poinsett:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 161066.

The Office of the Governor (the “governor”) received a request for communications between Governor Rick Perry and representatives of Enron Corporation; files relating to electric deregulation; communications relating to House Bills 1695, 1326, 2086, and 2213; communications relating to certain meetings of the House Economic Development Committee; and communications and records of meetings with a representative of the Texas Association of Business. You claim that some of the requested information relating to the enumerated bills is exempted from disclosure under sections 552.106 and 552.111 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.106(b) of the Government Code exempts from disclosure “[a]n internal bill analysis or working paper prepared by the governor’s office for the purpose of evaluating proposed legislation.” You state that the submitted information consists of “internal bill analyses prepared by the Governor’s staff for the purpose of evaluating proposed legislation.” Based on your assertions and our review of the submitted information, we agree

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<sup>1</sup>Because you only seek to withhold some of the requested information, we assume the governor has released the remainder of the responsive information. See Gov’t Code §§ 552.021, .221, .301, .302.

that the submitted information is excepted under section 552.106(b) of the Government Code and may be withheld from disclosure.<sup>2</sup>

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

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<sup>2</sup>Based on this finding, we need not reach your remaining argument under section 552.111 of the Government Code.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/sdk

Ref: ID# 161066

Enc: Submitted documents

c: Mr. R.G. Ratcliffe  
*Houston Chronicle*  
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(w/o enclosures)