



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

April 26, 1990

Honorable Gib Lewis
Speaker of the House
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

OR90-160

Dear Speaker Lewis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9409.

You received a request from a reporter for a copy of the draft of proposed legislation which you forwarded to the governor for consideration, and for any supporting documents or analyses related thereto which were similarly forwarded. You sent for our review a copy of the draft of the proposed legislation. You did not send "any supporting documents or analyses," so we assume such information does not exist. You claim exception to public disclosure of this draft of proposed legislation pursuant to section 3(a)(6) of the Texas Open Records Act, article 6252-17a, V.T.C.S., which protects "drafts and working papers involved in the preparation of proposed legislation."

We agree. The draft of proposed legislation submitted by the Speaker of the Texas House of Representatives falls precisely within the ambit of the 3(a)(6) exception.

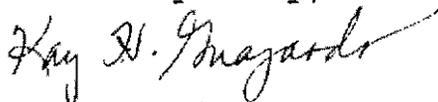
Section 3(a)(6) applies to persons with a responsibility to prepare information or proposals for a legislative body. Open Records Decision No. 429 (1985). The Speaker of the Texas House of Representatives and his staff are unquestionably responsible for preparing legislation. The draft moreover contains no analysis of factual information. See Open Records Decision No. 140 (1976) (section 3(a)(6) inapplicable to factual information).

Open Records Decision No. 248 (1980) decided that drafts of a municipal ordinance and a resolution prepared by

a city staff study group for presentation to the city council are excepted from disclosure by section 3(a)(6). The copy of the draft of the proposed legislation is a draft involved in the preparation of proposed legislation. See Open Records Decision No. 367 (1983). Accordingly, you may withhold the draft as it is excepted from public disclosure pursuant to section 3(a)(6) of the Texas Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-160.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 9409, 9431

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