

By: Landgraf, Cain

H.B. No. 3033

A BILL TO BE ENTITLED

AN ACT

relating to the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0031 to read as follows:

Sec. 552.0031. BUSINESS DAYS. (a) Except as provided by this section, in this chapter "business day" means a day other than:

(1) a Saturday or Sunday;

(2) a national holiday under Section 662.003(a); or

(3) a state holiday under Section 662.003(b).

(b) The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this chapter.

(c) An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

(d) A holiday established by the governing body of an institution of higher education under Section 662.011(a) is not a business day of the institution of higher education.

(e) The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(f) Subject to the requirements of this subsection, a

1 governmental body may designate a day on which the governmental  
2 body's administrative offices are closed or operating with minimum  
3 staffing as a nonbusiness day. The designation of a nonbusiness day  
4 for an independent school district must be made by the board of  
5 trustees. The designation of a nonbusiness day for a governmental  
6 body other than an independent school district must be made by the  
7 executive director or other chief administrative officer. A  
8 governmental body may designate not more than 10 nonbusiness days  
9 under this subsection each calendar year. A governmental body  
10 shall make a good faith effort to post advance notice of the  
11 nonbusiness days designated under this subsection on the  
12 governmental body's Internet website.

13 SECTION 2. Section 552.012, Government Code, is amended by  
14 adding Subsection (b-1) to read as follows:

15 (b-1) The attorney general may require each public official  
16 of a governmental body to complete the course of training if the  
17 attorney general determines that the governmental body has failed  
18 to comply with a requirement of this chapter. The attorney general  
19 must notify each public official in writing of the attorney  
20 general's determination and the requirement to complete the  
21 training. A public official who receives notice from the attorney  
22 general under this subsection must complete the training not later  
23 than the 60th day after the date the official receives the notice.

24 SECTION 3. Section 552.108(c), Government Code, is amended  
25 to read as follows:

26 (c) This section does not except from the requirements of  
27 Section 552.021 information that is basic information about an

1 arrested person, an arrest, or a crime. A governmental body shall  
2 promptly release basic information responsive to a request made  
3 under this chapter unless the governmental body seeks to withhold  
4 the information as provided by another provision of this chapter,  
5 and regardless of whether the governmental body requests an  
6 attorney general decision under Subchapter G regarding other  
7 information subject to the request.

8 SECTION 4. Section 552.271, Government Code, is amended by  
9 adding Subsection (e) to read as follows:

10 (e) A requestor who has exceeded a limit established by a  
11 governmental body under Section 552.275 may not inspect public  
12 information on behalf of another requestor unless the requestor who  
13 exceeded the limit has paid each statement issued by the  
14 governmental body under Section 552.275(e).

15 SECTION 5. Section 552.272, Government Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) A requestor who has exceeded a limit established by a  
18 governmental body under Section 552.275 may not inspect public  
19 information on behalf of another requestor unless the requestor who  
20 exceeded the limit has paid each statement issued by the  
21 governmental body under Section 552.275(e).

22 SECTION 6. Section 552.275, Government Code, is amended by  
23 amending Subsections (d), (g), and (h) and adding Subsections (n)  
24 and (o) to read as follows:

25 (d) If a governmental body establishes a time limit under  
26 Subsection (a), each time the governmental body complies with a  
27 request for public information, the governmental body shall provide

1 the requestor with a written statement of the amount of personnel  
2 time spent complying with that request and the cumulative amount of  
3 time spent complying with requests for public information from that  
4 requestor during the applicable monthly or yearly period. The  
5 amount of time spent preparing the written statement may not be  
6 included in the amount of time included in the statement provided to  
7 the requestor under this subsection unless the requestor's time  
8 limit for the period has been exceeded.

9 (g) If a governmental body provides a requestor with a [~~the~~]  
10 written statement under Subsection (e) or (o) and the time limits  
11 prescribed by Subsection (a) regarding the requestor have been  
12 exceeded, the governmental body is not required to produce public  
13 information for inspection or duplication or to provide copies of  
14 public information in response to the requestor's request unless on  
15 or before the 10th day after the date the governmental body provided  
16 the written statement under that subsection, the requestor submits  
17 payment of the amount stated in the written statement provided  
18 under Subsection (e) or provides identification or submits payment  
19 as required by Subsection (o), as applicable.

20 (h) If the requestor fails or refuses to provide  
21 identification or submit payment under Subsection (g), the  
22 requestor is considered to have withdrawn the requestor's pending  
23 request for public information.

24 (n) A governmental body may request photo identification  
25 from a requestor for the sole purpose of establishing that the  
26 requestor has not:

27 (1) exceeded a limit established by the governmental

1 body under Subsection (a); and

2 (2) concealed the requestor's identity.

3 (o) A request for photo identification under Subsection (n)  
4 must include a statement under Subsection (e) applicable to the  
5 requestor who has exceeded a limit established by the governmental  
6 body and a statement that describes each specific reason why  
7 Subsection (n) may apply to the requestor. The governmental body  
8 shall accept as proof of a requestor's identification physical  
9 presentment of photo identification or an image of the photo  
10 identification that is transmitted electronically or through the  
11 mail. A requestor from whom a governmental body has requested photo  
12 identification under Subsection (n) may decline to provide  
13 identification and obtain the requested information by paying the  
14 charge assessed in the statement.

15 SECTION 7. Subchapter G, Chapter 552, Government Code, is  
16 amended by adding Section 552.3031 to read as follows:

17 Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR  
18 ATTORNEY GENERAL DECISION. (a) This section does not apply to a  
19 request for an attorney general decision made under this subchapter  
20 if:

21 (1) the governmental body requesting the decision:

22 (A) has fewer than 16 full-time employees; or

23 (B) is located in a county with a population of  
24 less than 150,000; or

25 (2) the amount or format of responsive information at  
26 issue in a particular request makes use of the attorney general's  
27 electronic filing system impractical or impossible.

1        (b) A governmental body that requests an attorney general  
2 decision under this subchapter must submit the request through the  
3 attorney general's designated electronic filing system.

4        (c) The attorney general may adopt rules necessary to  
5 implement this section, including rules that define the amount or  
6 type of formatting of information described by Subsection (a)(2)  
7 that makes use of the electronic filing system impractical or  
8 impossible.

9        SECTION 8. Section 552.306, Government Code, is amended by  
10 amending Subsection (a) and adding Subsection (c) to read as  
11 follows:

12        (a) Except as provided by Section 552.011, the attorney  
13 general shall promptly render a decision requested under this  
14 subchapter, consistent with the standards of due process,  
15 determining whether the requested information is within one of the  
16 exceptions of Subchapter C. The attorney general shall render the  
17 decision not later than the 45th business day after the date the  
18 attorney general received the request for a decision. [~~If the~~  
19 ~~attorney general is unable to issue the decision within the 45-day~~  
20 ~~period, the attorney general may extend the period for issuing the~~  
21 ~~decision by an additional 10 business days by informing the~~  
22 ~~governmental body and the requestor, during the original 45-day~~  
23 ~~period, of the reason for the delay.]~~

24        (c) A governmental body shall as soon as practicable but not  
25 later than the 30th day after the date the attorney general issues  
26 an opinion under Subsection (b) regarding information requested  
27 under this chapter:

1           (1) provide the requestor of the information an  
2 itemized estimate of charges for production of the information if  
3 the estimate is required by Section 552.2615;

4           (2) produce the information if it is required to be  
5 produced;

6           (3) notify the requestor in writing that the  
7 governmental body is withholding the information as authorized by  
8 the opinion; or

9           (4) notify the requestor in writing that the  
10 governmental body has filed suit against the attorney general under  
11 Section 552.324 regarding the information.

12           SECTION 9. Section 552.308, Government Code, is amended to  
13 read as follows:

14           Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL,  
15 INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as  
16 provided by Section 552.3031, when [~~When~~] this subchapter requires  
17 a request, notice, or other document to be submitted or otherwise  
18 given to a person within a specified period, the requirement is met  
19 in a timely fashion if the document is sent to the person by first  
20 class United States mail or common or contract carrier properly  
21 addressed with postage or handling charges prepaid and:

22           (1) it bears a post office cancellation mark or a  
23 receipt mark of a common or contract carrier indicating a time  
24 within that period; or

25           (2) the person required to submit or otherwise give  
26 the document furnishes satisfactory proof that it was deposited in  
27 the mail or with a common or contract carrier within that period.

1           (b) Except as provided by Section 552.3031, when ~~when~~ this  
2 subchapter requires an agency of this state to submit or otherwise  
3 give to the attorney general within a specified period a request,  
4 notice, or other writing, the requirement is met in a timely fashion  
5 if:

6           (1) the request, notice, or other writing is sent to  
7 the attorney general by interagency mail; and

8           (2) the agency provides evidence sufficient to  
9 establish that the request, notice, or other writing was deposited  
10 in the interagency mail within that period.

11           SECTION 10. Subchapter G, Chapter 552, Government Code, is  
12 amended by adding Section 552.310 to read as follows:

13           Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the  
14 attorney general shall make available on the office's Internet  
15 website an easily accessible and searchable database consisting of:

16           (1) each request for an attorney general decision made  
17 under this subchapter; and

18           (2) the attorney general's opinion issued for the  
19 request.

20           (b) The database at a minimum must allow a person to search  
21 for a request or opinion described by Subsection (a) by:

22           (1) the name of the governmental body making the  
23 request; and

24           (2) the exception under Subchapter C that a  
25 governmental body asserts in the request applies to its request to  
26 withhold information from public disclosure.

27           (c) The database must allow a person to view the current



1 status of a request described by Subsection (a)(1) and an estimated  
2 timeline indicating the date each stage of review of the request  
3 will be started and completed.

4 SECTION 11. The changes in law made by this Act to Sections  
5 552.271, 552.272, and 552.275, Government Code, apply only to a  
6 request for information that is received by a governmental body or  
7 an officer for public information on or after the effective date of  
8 this Act. A request for information that was received before the  
9 effective date of this Act is governed by the law in effect on the  
10 date the request was received, and the former law is continued in  
11 effect for that purpose.

12 SECTION 12. Section 552.3031, Government Code, as added by  
13 this Act, and Section 552.306, Government Code, as amended by this  
14 Act, apply to a request for an attorney general decision made under  
15 Subchapter G, Chapter 552, of that code on or after the effective  
16 date of this Act. A request for an attorney general decision made  
17 before the effective date of this Act is governed by the law in  
18 effect on the date the request was made, and the former law is  
19 continued in effect for that purpose.

20 SECTION 13. As soon as practicable, but not later than  
21 January 1, 2024, the office of the attorney general shall make the  
22 database required by Section 552.310, Government Code, as added by  
23 this Act, available on the office's Internet website.

24 SECTION 14. This Act takes effect September 1, 2023.