

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.

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

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

21 SECTION 3. Section 552.103, Government Code, is amended by
22 adding Subsection (d) to read as follows:

23 (d) The exception to disclosure provided by this section
24 does not apply to information requested under this chapter if:

25 (1) the information relates to a general, primary, or
26 special election, as those terms are defined by Section 1.005,
27 Election Code;

1 (2) the information is in the possession of a
2 governmental body that administers elections described by
3 Subdivision (1); and

4 (3) the governmental body described by Subdivision (2)
5 is not a governmental body described by Section 552.003(1)(A)(i).

6 SECTION 4. Section 552.108(c), Government Code, is amended
7 to read as follows:

8 (c) This section does not except from the requirements of
9 Section 552.021 information that is basic information about an
10 arrested person, an arrest, or a crime. A governmental body shall
11 promptly release basic information responsive to a request made
12 under this chapter unless the governmental body seeks to withhold
13 the information as provided by another provision of this chapter,
14 and regardless of whether the governmental body requests an
15 attorney general decision under Subchapter G regarding other
16 information subject to the request.

17 SECTION 5. Subchapter C, Chapter 552, Government Code, is
18 amended by adding Section 552.163 to read as follows:

19 Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN
20 ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section,
21 "attorney general settlement communication" means documentary
22 materials or information collected, assembled, drafted, developed,
23 used, received, or maintained by or on behalf of the attorney
24 general with respect to an investigation or litigation conducted
25 under Subchapter E, Chapter 17, Business & Commerce Code, and that
26 reflects or is regarding negotiations made for the purpose of
27 achieving a resolution of a matter without the need for continuing

1 with litigation or trial.

2 (b) An attorney general settlement communication is
3 privileged and not subject to disclosure under this chapter from
4 the date the attorney general's investigation begins, as indicated
5 in the attorney general's case management records, until the
6 earlier of:

7 (1) the 90th day after the date settlement discussions
8 are terminated; or

9 (2) the earliest of the date:

10 (A) the case is reported closed in the attorney
11 general's case management records;

12 (B) the final judgment, assurance of voluntary
13 compliance, or other settlement agreement is entered by the court,
14 and the period for filing a notice of appeal has passed;

15 (C) the settlement documents are executed by all
16 parties, if the documents are not filed in court;

17 (D) the order of dismissal or nonsuit disposing
18 of all parties is entered by the court; or

19 (E) all appeals are finalized.

20 (c) For the purpose of this section, a settlement
21 communication does not include a document attached to or referenced
22 in a delivered settlement proposal that is subject to disclosure
23 under this chapter.

24 SECTION 6. Section 552.271, Government Code, is amended by
25 adding Subsection (e) to read as follows:

26 (e) A requestor who has exceeded a limit established by a
27 governmental body under Section 552.275 may not inspect public

1 information on behalf of another requestor unless the requestor who
2 exceeded the limit has paid each statement issued by the
3 governmental body under Section 552.275(e).

4 SECTION 7. Section 552.272, Government Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) A requestor who has exceeded a limit established by a
7 governmental body under Section 552.275 may not inspect public
8 information on behalf of another requestor unless the requestor who
9 exceeded the limit has paid each statement issued by the
10 governmental body under Section 552.275(e).

11 SECTION 8. Section 552.275, Government Code, is amended by
12 amending Subsections (d), (g), and (h) and adding Subsections (n)
13 and (o) to read as follows:

14 (d) If a governmental body establishes a time limit under
15 Subsection (a), each time the governmental body complies with a
16 request for public information, the governmental body shall provide
17 the requestor with a written statement of the amount of personnel
18 time spent complying with that request and the cumulative amount of
19 time spent complying with requests for public information from that
20 requestor during the applicable monthly or yearly period. The
21 amount of time spent preparing the written statement may not be
22 included in the amount of time included in the statement provided to
23 the requestor under this subsection unless the requestor's time
24 limit for the period has been exceeded.

25 (g) If a governmental body provides a requestor with a a ~~the~~
26 written statement under Subsection (e) or (o) and the time limits
27 prescribed by Subsection (a) regarding the requestor have been

1 exceeded, the governmental body is not required to produce public
2 information for inspection or duplication or to provide copies of
3 public information in response to the requestor's request unless on
4 or before the 10th day after the date the governmental body provided
5 the written statement under that subsection, the requestor submits
6 payment of the amount stated in the written statement provided
7 under Subsection (e) or provides identification or submits payment
8 as required by Subsection (o), as applicable.

9 (h) If the requestor fails or refuses to provide
10 identification or submit payment under Subsection (g), the
11 requestor is considered to have withdrawn the requestor's pending
12 request for public information.

13 (n) A governmental body may request photo identification
14 from a requestor for the sole purpose of establishing that the
15 requestor has not:

16 (1) exceeded a limit established by the governmental
17 body under Subsection (a); and

18 (2) concealed the requestor's identity.

19 (o) A request for photo identification under Subsection (n)
20 must include a statement under Subsection (e) applicable to the
21 requestor who has exceeded a limit established by the governmental
22 body and a statement that describes each specific reason why
23 Subsection (n) may apply to the requestor. The governmental body
24 shall accept as proof of a requestor's identification physical
25 presentment of photo identification or an image of the photo
26 identification that is transmitted electronically or through the
27 mail. A requestor from whom a governmental body has requested photo

1 identification under Subsection (n) may decline to provide
2 identification and obtain the requested information by paying the
3 charge assessed in the statement.

4 SECTION 9. Subchapter G, Chapter 552, Government Code, is
5 amended by adding Section 552.3031 to read as follows:

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

10 (1) the governmental body requesting the decision:
11 (A) has fewer than 16 full-time employees; or
12 (B) is located in a county with a population of
13 less than 150,000;

14 (2) the amount or format of responsive information at
15 issue in a particular request makes use of the attorney general's
16 electronic filing system impractical or impossible; or

17 (3) the request is hand delivered to the office of the
18 attorney general.

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

22 (c) The attorney general may adopt rules necessary to
23 implement this section, including rules that define the amount or
24 type of formatting of information described by Subsection (a)(2)
25 that makes use of the electronic filing system impractical or
26 impossible.

27 SECTION 10. Section 552.306, Government Code, is amended by

1 adding Subsections (c) and (d) to read as follows:

2 (c) A governmental body shall as soon as practicable but
3 within a reasonable period of time after the date the attorney
4 general issues an opinion under Subsection (b) regarding
5 information requested under this chapter:

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

9 (2) if the requested information is voluminous:

10 (A) take the following actions if the
11 governmental body determines that it is able to disclose the
12 information in a single batch:

13 (i) provide a written certified notice to
14 the requestor and the attorney general that it is impractical or
15 impossible for the governmental body to produce the information
16 within a reasonable period of time;

17 (ii) include in the notice the date and hour
18 that the governmental body will disclose the information to the
19 requestor, which may not be later than the 15th business day after
20 the date the governmental body provides the notice; and

21 (iii) produce the information at the date
22 and time included in the notice; or

23 (B) take the following actions if the
24 governmental body determines that it is unable to disclose the
25 information in a single batch:

26 (i) provide a written certified notice to
27 the requestor and the attorney general that it is impractical or

1 impossible for the governmental body to produce the information
2 within a reasonable period of time and in a single batch;

3 (ii) include in the notice the date and hour
4 that the governmental body will disclose the first batch of
5 information to the requestor, which may not be later than the 15th
6 business day after the date the governmental body provides the
7 notice;

8 (iii) provide a written certified notice to
9 the requestor and the attorney general when each subsequent batch
10 of information is disclosed to the requestor of the date and hour
11 that the governmental body will disclose the next batch of
12 information to the requestor, which may not be later than the 15th
13 business day after the date the governmental body provides the
14 notice; and

15 (iv) produce the requested information at
16 each date and time included in a notice;

17 (3) produce the information if it is required to be
18 produced;

19 (4) notify the requestor in writing that the
20 governmental body is withholding the information as authorized by
21 the opinion; or

22 (5) notify the requestor in writing that the
23 governmental body has filed suit against the attorney general under
24 Section 552.324 regarding the information.

25 (d) A governmental body is presumed to have complied with
26 the requirements of Subsection (c) if the governmental body takes
27 an action under that subsection regarding information that is the

1 subject of an opinion issued by the attorney general not later than
2 the 30th day after the date the attorney general issues the opinion.

3 SECTION 11. Section 552.308, Government Code, is amended to
4 read as follows:

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

13 (1) it bears a post office cancellation mark or a
14 receipt mark of a common or contract carrier indicating a time
15 within that period; or

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

19 (b) Except as provided by Section 552.3031, when [~~when~~] this
20 subchapter requires an agency of this state to submit or otherwise
21 give to the attorney general within a specified period a request,
22 notice, or other writing, the requirement is met in a timely fashion
23 if:

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

26 (2) the agency provides evidence sufficient to
27 establish that the request, notice, or other writing was deposited

1 in the interagency mail within that period.

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

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

7 (1) information identifying each request for an
8 attorney general decision made under this subchapter; and

9 (2) the attorney general's opinion issued for the
10 request.

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

13 (1) the name of the governmental body making the
14 request; and

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

18 (c) The database must allow a person to view the current
19 status of a request described by Subsection (a)(1) and an estimated
20 timeline indicating the date each stage of review of the request
21 will be started and completed.

22 SECTION 13. The changes in law made by this Act to Sections
23 552.103, 552.271, 552.272, and 552.275, Government Code, apply only
24 to a request for information that is received by a governmental body
25 or an officer for public information on or after the effective date
26 of this Act. A request for information that was received before the
27 effective date of this Act is governed by the law in effect on the

1 date the request was received, and the former law is continued in
2 effect for that purpose.

3 SECTION 14. Section 552.3031, Government Code, as added by
4 this Act, and Section 552.306, Government Code, as amended by this
5 Act, apply to a request for an attorney general decision made under
6 Subchapter G, Chapter 552, of that code on or after the effective
7 date of this Act. A request for an attorney general decision made
8 before the effective date of this Act is governed by the law in
9 effect on the date the request was made, and the former law is
10 continued in effect for that purpose.

11 SECTION 15. As soon as practicable, but not later than
12 January 1, 2024, the office of the attorney general shall make the
13 database required by Section 552.310, Government Code, as added by
14 this Act, available on the office's Internet website.

15 SECTION 16. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3033 was passed by the House on May 6, 2023, by the following vote: Yeas 134, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3033 on May 26, 2023, by the following vote: Yeas 133, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3033 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor