

By: Baxter

H.B. No. 1587

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the charges that may be imposed under the public
3 information law for providing a copy of public information.

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

5 SECTION 1. Section 552.261(a), Government Code, is amended
6 to read as follows:

7 (a) The charge for providing a copy of public information
8 shall be an amount that reasonably includes all costs related to
9 reproducing the public information, including costs of materials,
10 labor, and overhead. If a request is for 50 or fewer pages of paper
11 records, the charge for providing the copy of the public
12 information may not include costs of materials, labor, or overhead,
13 but shall be limited to the charge for each page of the paper record
14 that is photocopied [~~photocopying costs~~], unless the pages to be
15 photocopied are located in:

16 (1) two or more separate buildings that are not
17 physically connected with each other; or

18 (2) a remote storage facility.

19 SECTION 2. Section 552.2615(b), Government Code, is amended
20 to read as follows:

21 (b) A request described by Subsection (a) is considered to
22 have been withdrawn by the requestor if the requestor does not
23 respond in writing to the itemized statement by informing the
24 governmental body within 10 business days after the date the

1 statement is sent to the requestor that:

2 (1) the requestor will accept the estimated charges;
3 [~~or~~]

4 (2) the requestor is modifying the request in response
5 to the itemized statement; or

6 (3) the requestor has sent to the Texas Building and
7 Procurement Commission a complaint alleging that the requestor has
8 been overcharged for being provided with a copy of the public
9 information.

10 SECTION 3. Section 552.269, Government Code, is amended to
11 read as follows:

12 Sec. 552.269. OVERCHARGE OR OVERPAYMENT FOR COPY OF PUBLIC
13 INFORMATION. (a) A person who believes the person has been
14 overcharged for being provided with a copy of public information
15 may complain to the Texas Building and Procurement [~~General~~
16 ~~Services~~] Commission in writing of the alleged overcharge, setting
17 forth the reasons why the person believes the charges are
18 excessive. The Texas Building and Procurement [~~General Services~~]
19 Commission shall review the complaint and make a determination in
20 writing as to the appropriate charge for providing the copy of the
21 requested information. The governmental body shall respond to the
22 Texas Building and Procurement [~~General Services~~] Commission to any
23 written questions asked of the governmental body by the commission
24 regarding the charges for providing the copy of the public
25 information. The response must be made to the Texas Building and
26 Procurement [~~General Services~~] Commission within 10 business days
27 after the date the questions are received by the governmental body.

1 If the Texas Building and Procurement [~~General Services~~] Commission
2 determines that a governmental body has overcharged for providing
3 the copy of requested public information, the governmental body
4 shall promptly adjust its charges in accordance with the
5 determination of the Texas Building and Procurement [~~General~~
6 ~~Services~~] Commission.

7 (b) A person who overpays for a copy of public information
8 because a governmental body refuses or fails to follow the rules for
9 charges adopted by the Texas Building and Procurement [~~General~~
10 ~~Services~~] Commission is entitled to recover three times the amount
11 of the overcharge if the governmental body did not act in good faith
12 in computing the costs.

13 SECTION 4. This Act takes effect September 1, 2003.