

By: Hancock

H.B. No. 2564

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information.

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

SECTION 1. Subchapter F, Chapter 552, Government Code, is amended by adding Section 552.275 to read as follows:

Sec. 552.275. REQUESTS THAT REQUIRE LARGE AMOUNTS OF EMPLOYEE OR PERSONNEL TIME. (a) A governmental body may establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

(b) A time limit established under Subsection (a) may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

(c) In determining whether a time limit established under Subsection (a) applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Section 101.003(a), Family Code, is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other

1 person who has control of the minor under a court order and with
2 whom the minor resides, unless that parent, guardian, or other
3 person establishes that another person submitted that request in
4 the name of the minor.

5 (d) If a governmental body establishes a time limit under
6 Subsection (a), each time the governmental body complies with a
7 request for public information, the governmental body shall provide
8 the requestor with a written statement of the amount of personnel
9 time spent complying with that request and the cumulative amount of
10 time spent complying with requests for public information from that
11 requestor during the applicable 12-month period. The amount of
12 time spent preparing the written statement may not be included in
13 the amount of time included in the statement provided to the
14 requestor under this subsection.

15 (e) If in connection with a request for public information,
16 the cumulative amount of personnel time spent complying with
17 requests for public information from the same requestor equals or
18 exceeds the limit established by the governmental body under
19 Subsection (a), the governmental body shall provide the requestor
20 with a written estimate of the total cost, including materials,
21 personnel time, and overhead expenses, necessary to comply with the
22 request. The written estimate must be provided to the requestor on
23 or before the 10th day after the date on which the public
24 information was requested.

25 (f) If the governmental body determines that additional
26 time is required to prepare the written estimate under Subsection
27 (e) and provides the requestor with a written statement of that

1 determination, the governmental body must provide the written
2 statement under that subsection as soon as practicable, but on or
3 before the 10th day after the date the governmental body provided
4 the statement under this subsection.

5 (g) If a governmental body provides a requestor with the
6 written statement under Subsection (e), the governmental body is
7 not required to produce public information for inspection or
8 duplication or to provide copies of public information in response
9 to the requestor's request unless on or before the 10th day after
10 the date the governmental body provided the written statement under
11 that subsection, the requestor submits a statement in writing to
12 the governmental body in which the requestor commits to pay the
13 lesser of:

14 (1) the actual costs incurred in complying with the
15 requestor's request, including the cost of materials and personnel
16 time and overhead; or

17 (2) the amount stated in the written statement
18 provided under Subsection (e).

19 (h) If the requestor fails or refuses to submit the written
20 statement under Subsection (g), the requestor is considered to have
21 withdrawn the requestor's pending request for public information.

22 (i) This section does not prohibit a governmental body from
23 providing a copy of public information without charge or at a
24 reduced rate under Section 552.267 or from waiving a charge for
25 providing a copy of public information under that section.

26 (j) This section does not apply if:

27 (1) the requestor is a faculty member of an accredited

1 institution of higher education or a teacher at an accredited
2 public or private elementary or secondary school and asserts that
3 the public information is requested for academic purposes; or

4 (2) the requestor is a student at an accredited
5 institution of higher education or an accredited public or private
6 elementary or secondary school and provides a letter or other
7 writing from a faculty member at the institution or teacher at the
8 school stating that the public information is requested by the
9 student for academic purposes.

10 (k) This section does not apply if the requestor is a
11 representative of:

12 (1) a radio or television station that holds a license
13 issued by the Federal Communications Commission; or

14 (2) a newspaper that is qualified under Section
15 2051.044 to publish legal notices or is a free newspaper of general
16 circulation and that is published at least once a week and available
17 and of interest to the general public in connection with the
18 dissemination of news.

19 (l) This section does not apply if the requestor is an
20 elected official of the United States, this state, or a political
21 subdivision of this state.

22 (m) This section does not apply if the requestor is a
23 representative of an organization that is exempt from federal
24 income taxation under Section 501(a), Internal Revenue Code of
25 1986, as amended, by being listed as an exempt entity under Section
26 501(c)(3) of that code.

27 SECTION 2. Section 552.275, Government Code, as added by

1 this Act, applies only to a request for public information under
2 Chapter 552 of that code that is submitted to a governmental body in
3 a fiscal year of that governmental body that begins on or after the
4 effective date of this Act.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.