

By: Hancock (Senate Sponsor - Wentworth) H.B. No. 2564  
(In the Senate - Received from the House May 14, 2007;  
May 15, 2007, read first time and referred to Committee on State  
Affairs; May 19, 2007, reported favorably, as amended, by the  
following vote: Yeas 6, Nays 1; May 19, 2007, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: Lucio

Amend H.B. No. 2564 in SECTION 1 of the bill, by striking  
proposed Subsection (j), Section 552.275, Government Code (house  
engrossed version, page 2, line 33, through page 2, line 43), and  
relettering subsequent proposed subsections accordingly.

COMMITTEE AMENDMENT NO. 2 By: Lucio

Amend H.B. 2564 in SECTION 1 of the bill, in added Section  
552.275(m), Government Code (house engrossed version, page 2, line  
57) by striking "an" and inserting "a publicly funded legal  
services".

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

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

(e) If in connection with a request for public information,  
the cumulative amount of personnel time spent complying with  
requests for public information from the same requestor equals or  
exceeds the limit established by the governmental body under  
Subsection (a), the governmental body shall provide the requestor  
with a written estimate of the total cost, including materials,

personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested.

(f) If the governmental body determines that additional time is required to prepare the written estimate under Subsection (e) and provides the requestor with a written statement of that determination, the governmental body must provide the written statement under that subsection as soon as practicable, but on or before the 10th day after the date the governmental body provided the statement under this subsection.

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

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

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

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

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

(j) This section does not apply if:

(1) the requestor is a faculty member of an accredited institution of higher education or a teacher at an accredited public or private elementary or secondary school and asserts that the public information is requested for academic purposes; or

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

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

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

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

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

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

SECTION 2. Section 552.275, Government Code, as added by this Act, applies only to a request for public information under Chapter 552 of that code that is submitted to a governmental body in a fiscal year of that governmental body that begins on or after the effective date of this Act.

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

3-1 Act takes effect September 1, 2007.

3-2 \* \* \* \* \*