

By: Wentworth

S.B. No. 889

A BILL TO BE ENTITLED

AN ACT

relating to the charges for certain public information maintained by a governmental body.

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

SECTION 1. Section 552.261, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. Except as provided by Subsection (a-1), if ~~if~~ a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in:

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

(2) a remote storage facility.

(a-1) If in any calendar month a requestor has been provided at least 50 pages of responsive paper records in compliance with Subsection (a), in connection with a subsequent request by that requestor in that month to the same governmental body for one or more pages of public information in a paper record, the charge for

1 providing the copy of the responsive public information may include
2 costs of materials, overhead, the charge for each page of the paper
3 record that is photocopied at the rate of 10 cents a page, and any
4 other cost or expense incurred in locating, compiling, and
5 photocopying the public information to comply with the request or
6 to provide the copies.

7 SECTION 2. Section 552.2615(a), Government Code, is amended
8 to read as follows:

9 (a) If a request for a copy of public information will
10 result in the imposition of a charge under this subchapter that
11 exceeds \$40, or a request to inspect a paper record will result in
12 the imposition of a charge under Section 552.271 or 552.2715 that
13 exceeds \$40, the governmental body shall provide the requestor with
14 a written itemized statement that details all estimated charges
15 that will be imposed, including any allowable charges for labor or
16 personnel costs. If an alternative less costly method of viewing
17 the records is available, the statement must include a notice that
18 the requestor may contact the governmental body regarding the
19 alternative method. The governmental body must inform the
20 requestor of the responsibilities imposed on the requestor by this
21 section and of the rights granted by this entire section and give
22 the requestor the information needed to respond, including:

23 (1) that the requestor must provide the governmental
24 body with a mailing, facsimile transmission, or electronic mail
25 address to receive the itemized statement and that it is the
26 requestor's choice which type of address to provide;

27 (2) that the request is considered automatically

1 withdrawn if the requestor does not respond in writing to the
2 itemized statement and any updated itemized statement in the time
3 and manner required by this section; and

4 (3) that the requestor may respond to the statement by
5 delivering the written response to the governmental body by mail,
6 in person, by facsimile transmission if the governmental body is
7 capable of receiving documents transmitted in that manner, or by
8 electronic mail if the governmental body has an electronic mail
9 address.

10 SECTION 3. Subchapter F, Chapter 552, Government Code, is
11 amended by adding Section 552.2715 to read as follows:

12 Sec. 552.2715. CHARGE FOR MAKING AVAILABLE PUBLIC
13 INFORMATION IN PAPER RECORDS IN CERTAIN CIRCUMSTANCES.
14 Notwithstanding Section 552.271, if in any calendar month a
15 requestor has been provided with at least 50 pages of responsive
16 paper records in compliance with one or more requests for copies of
17 public information or has had at least 50 pages of responsive paper
18 records made available for inspection in compliance with one or
19 more requests to inspect public information, in connection with a
20 subsequent request in that month from the same requestor to the same
21 governmental body to make available for inspection any public
22 information that exists in a paper record, the governmental body
23 may charge for making the responsive public information available
24 for inspection. The charge must be calculated at the rate of 10
25 cents a page plus any other cost or expense incurred in locating,
26 compiling, and producing the public information to comply with the
27 subsequent request to inspect the public information.

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1 SECTION 4. This Act takes effect September 1, 2007.