

By: Williams

S.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the ability of a governmental body under the public  
3 information law to request a redetermination from the attorney  
4 general on dismissal of litigation relating to the same issue.

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

6 SECTION 1. Section 552.301, Government Code, is amended by  
7 adding Subsection (g) to read as follows:

8 (g) A governmental body may ask for another decision from  
9 the attorney general concerning the precise information that was at  
10 issue in a prior decision made by the attorney general under this  
11 subchapter if:

12 (1) a suit challenging the prior decision was timely  
13 filed against the attorney general in accordance with this chapter  
14 concerning the precise information at issue;

15 (2) the attorney general determines that the requestor  
16 has voluntarily withdrawn the request for the information in  
17 writing or has abandoned the request; and

18 (3) the parties agree to dismiss the lawsuit.

19 SECTION 2. Subchapter H, Chapter 552, Government Code, is  
20 amended by adding Section 552.327 to read as follows:

21 Sec. 552.327. DISMISSAL OF SUIT DUE TO REQUESTOR'S  
22 WITHDRAWAL OR ABANDONMENT OF REQUEST. A court may dismiss a suit  
23 challenging a decision of the attorney general brought in  
24 accordance with this chapter if:

- 1           (1) all parties to the suit agree to the dismissal; and  
2           (2) the attorney general determines and represents to  
3 the court that the requestor has voluntarily withdrawn the request  
4 for information in writing or has abandoned the request.

5           SECTION 3. This Act takes effect September 1, 2007.