

1-1 By: Williams S.B. No. 1398
1-2 (In the Senate - Filed March 7, 2007; March 20, 2007, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 27, 2007, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 27, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the ability of a governmental body under the public
1-9 information law to request a redetermination from the attorney
1-10 general on dismissal of litigation relating to the same issue.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 552.301, Government Code, is amended by
1-13 adding Subsection (g) to read as follows:

1-14 (g) A governmental body may ask for another decision from
1-15 the attorney general concerning the precise information that was at
1-16 issue in a prior decision made by the attorney general under this
1-17 subchapter if:

1-18 (1) a suit challenging the prior decision was timely
1-19 filed against the attorney general in accordance with this chapter
1-20 concerning the precise information at issue;

1-21 (2) the attorney general determines that the requestor
1-22 has voluntarily withdrawn the request for the information in
1-23 writing or has abandoned the request; and

1-24 (3) the parties agree to dismiss the lawsuit.

1-25 SECTION 2. Subchapter H, Chapter 552, Government Code, is
1-26 amended by adding Section 552.327 to read as follows:

1-27 Sec. 552.327. DISMISSAL OF SUIT DUE TO REQUESTOR'S
1-28 WITHDRAWAL OR ABANDONMENT OF REQUEST. A court may dismiss a suit
1-29 challenging a decision of the attorney general brought in
1-30 accordance with this chapter if:

1-31 (1) all parties to the suit agree to the dismissal; and

1-32 (2) the attorney general determines and represents to
1-33 the court that the requestor has voluntarily withdrawn the request
1-34 for information in writing or has abandoned the request.

1-35 SECTION 3. This Act takes effect September 1, 2007.

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