

By: Shapleigh

S.B. No. 671

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to information requested by a member, committee, or agency  
3 of the legislature under the public information law.

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

5 SECTION 1. Section 552.008, Government Code, is amended by  
6 adding Subsections (b-1), (b-2), and (b-3) to read as follows:

7 (b-1) A member, committee, or agency of the legislature  
8 required by a governmental body to sign a confidentiality agreement  
9 under Subsection (b) may seek a decision as provided by Subsection  
10 (b-2) or (b-3) about whether the information covered by the  
11 confidentiality agreement is confidential under law. A  
12 confidentiality agreement signed under Subsection (b) is void to  
13 the extent that the agreement covers information that is finally  
14 determined under Subsection (b-2) or (b-3) to not be confidential  
15 under law.

16 (b-2) The member, committee, or agency of the legislature  
17 may file an action to obtain a declaratory judgment as to the matter  
18 in Travis County district court or in a district court in the county  
19 in which the administrative offices of the governmental body are  
20 located. The governmental body is a necessary party to the action.  
21 A person known by the member, committee, or agency of the  
22 legislature or the governmental body to claim a proprietary  
23 interest in the information is a necessary party to the action. A  
24 person who claims a privacy interest in the information that a

1 confidentiality law or judicial decision is designed to protect may  
2 intervene in the action.

3 (b-3) Alternatively, the member, committee, or agency of  
4 the legislature may seek a decision from the attorney general about  
5 the matter. The attorney general by rule shall establish  
6 procedures and deadlines for receiving information necessary to  
7 decide the matter and briefs from the requestor, the governmental  
8 body, and any other interested person. The attorney general shall  
9 promptly render a decision requested under this subsection,  
10 determining whether the information covered by the confidentiality  
11 agreement is confidential under law, not later than the 45th  
12 business day after the date the attorney general received the  
13 request for a decision under this subsection. The attorney general  
14 shall issue a written decision on the matter and provide a copy of  
15 the decision to the requestor, the governmental body, and any  
16 interested person who submitted necessary information or a brief to  
17 the attorney general about the matter. The requestor or the  
18 governmental body may appeal a decision of the attorney general  
19 under this subsection to a Travis County district court. A person  
20 may appeal a decision of the attorney general under this subsection  
21 to a Travis County district court if the person claims a proprietary  
22 interest in the information affected by the decision or a privacy  
23 interest in the information that a confidentiality law or judicial  
24 decision is designed to protect.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 671

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.