

1-1 By: Shapleigh S.B. No. 671
1-2 (In the Senate - Filed February 3, 2009; February 23, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 24, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 24, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 671 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to information requested by a member, committee, or agency
1-11 of the legislature under the public information law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 552.008, Government Code, is amended by
1-14 adding Subsections (b-1) and (b-2) to read as follows:

1-15 (b-1) A member, committee, or agency of the legislature
1-16 required by a governmental body to sign a confidentiality agreement
1-17 under Subsection (b) may seek a decision as provided by Subsection
1-18 (b-2) about whether the information covered by the confidentiality
1-19 agreement is confidential under law. A confidentiality agreement
1-20 signed under Subsection (b) is void to the extent that the agreement
1-21 covers information that is finally determined under Subsection
1-22 (b-2) to not be confidential under law.

1-23 (b-2) The member, committee, or agency of the legislature
1-24 may seek a decision from the attorney general about the matter. The
1-25 attorney general by rule shall establish procedures and deadlines
1-26 for receiving information necessary to decide the matter and briefs
1-27 from the requestor, the governmental body, and any other interested
1-28 person. The attorney general shall promptly render a decision
1-29 requested under this subsection, determining whether the
1-30 information covered by the confidentiality agreement is
1-31 confidential under law, not later than the 45th business day after
1-32 the date the attorney general received the request for a decision
1-33 under this subsection. The attorney general shall issue a written
1-34 decision on the matter and provide a copy of the decision to the
1-35 requestor, the governmental body, and any interested person who
1-36 submitted necessary information or a brief to the attorney general
1-37 about the matter. The requestor or the governmental body may appeal
1-38 a decision of the attorney general under this subsection to a Travis
1-39 County district court. A person may appeal a decision of the
1-40 attorney general under this subsection to a Travis County district
1-41 court if the person claims a proprietary interest in the
1-42 information affected by the decision or a privacy interest in the
1-43 information that a confidentiality law or judicial decision is
1-44 designed to protect.

1-45 SECTION 2. This Act takes effect September 1, 2010.

1-46 * * * * *