

By: Wentworth

S.B. No. 1630

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the availability of information under the public
3 information law.

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

5 SECTION 1. Subdivision (1), Section 552.003, Government
6 Code, is amended to read as follows:

7 (1) "Governmental body":

8 (A) means:

9 (i) a board, commission, department,
10 committee, institution, agency, or office that is within or is
11 created by the executive or legislative branch of state government
12 and that is directed by one or more elected or appointed members;

13 (ii) a county commissioners court in the
14 state;

15 (iii) a municipal governing body in the
16 state;

17 (iv) a deliberative body that has
18 rulemaking or quasi-judicial power and that is classified as a
19 department, agency, or political subdivision of a county or
20 municipality;

21 (v) a school district board of trustees;

22 (vi) a county board of school trustees;

23 (vii) a county board of education;

24 (viii) the governing board of a special

1 district;

2 (ix) the governing body of a nonprofit
3 corporation organized under Chapter 67, Water Code, that provides a
4 water supply or wastewater service, or both, and is exempt from ad
5 valorem taxation under Section 11.30, Tax Code;

6 (x) a local workforce development board
7 created under Section 2308.253;

8 (xi) a nonprofit corporation that is
9 eligible to receive funds under the federal community services
10 block grant program and that is authorized by this state to serve a
11 geographic area of the state; and

12 (xii) the part, section, or portion of an
13 organization, corporation, commission, committee, institution, or
14 agency that spends or that is supported in whole or in part by
15 public funds; and

16 (B) does not include:

17 (i) the judiciary; or

18 (ii) a nonprofit corporation that is
19 organized for the purposes of a chamber of commerce and provides
20 economic development services to a governmental body.

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

23 (b-1) A member, committee, or agency of the legislature
24 required by a governmental body to sign a confidentiality agreement
25 under Subsection (b) may seek a decision as provided by Subsection
26 (b-2) about whether the information covered by the confidentiality
27 agreement is confidential under law. A confidentiality agreement

1 signed under Subsection (b) is void to the extent that the agreement
2 covers information that is finally determined under Subsection
3 (b-2) to not be confidential under law.

4 (b-2) The member, committee, or agency of the legislature
5 may seek a decision from the attorney general about the matter. The
6 attorney general by rule shall establish procedures and deadlines
7 for receiving information necessary to decide the matter and briefs
8 from the requestor, the governmental body, and any other interested
9 person. The attorney general shall promptly render a decision
10 requested under this subsection, determining whether the
11 information covered by the confidentiality agreement is
12 confidential under law, not later than the 45th business day after
13 the date the attorney general received the request for a decision
14 under this subsection. The attorney general shall issue a written
15 decision on the matter and provide a copy of the decision to the
16 requestor, the governmental body, and any interested person who
17 submitted necessary information or a brief to the attorney general
18 about the matter. The requestor or the governmental body may appeal
19 a decision of the attorney general under this subsection to a Travis
20 County district court. A person may appeal a decision of the
21 attorney general under this subsection to a Travis County district
22 court if the person claims a proprietary interest in the
23 information affected by the decision or a privacy interest in the
24 information that a confidentiality law or judicial decision is
25 designed to protect.

26 (b) Subsections (b-1) and (b-2), Section 552.008,
27 Government Code, as added by this section, take effect September 1,

1 2010.

2 SECTION 3. Section 552.105, Government Code, is amended to
3 read as follows:

4 Sec. 552.105. EXCEPTION: INFORMATION RELATED TO LOCATION
5 OR PRICE OF PROPERTY. (a) Information is excepted from the
6 requirements of Section 552.021 if it is information relating to:

7 (1) the location of real or personal property for a
8 public purpose prior to public announcement of the project; or

9 (2) appraisals or purchase price of real or personal
10 property for a public purpose prior to the formal award of contracts
11 for the property.

12 (b) Section 552.022 does not apply to information described
13 by Subsection (a).

14 SECTION 4. Subsection (b), Section 552.221, Government
15 Code, is amended to read as follows:

16 (b) An officer for public information complies with
17 Subsection (a) by:

18 (1) providing the public information for inspection or
19 duplication in the offices of the governmental body; ~~[or]~~

20 (2) sending copies of the public information by first
21 class United States mail if the person requesting the information
22 requests that copies be provided and pays the postage and any other
23 applicable charges that the requestor has accrued under Subchapter
24 F; or

25 (3)(A) informing the person requesting the
26 information, in writing, that the public information is available
27 on an Internet website that is:

1 (i) owned, controlled, or maintained by the
2 governmental body; and

3 (ii) accessible to members of the general
4 public;

5 (B) providing the person, in writing, the exact
6 Internet location or uniform resource locator (URL) address where
7 the person can access the public information; and

8 (C) offering the person access to a computer
9 terminal at no charge so that the person can access the public
10 information on the Internet website.

11 SECTION 5. Section 552.228, Government Code, is amended by
12 adding Subsection (a-1) to read as follows:

13 (a-1) The policy of a governmental body under Subsection (a)
14 is considered to be fulfilled if the governmental body complies
15 with Section 552.221(b). If a person who is provided public
16 information for inspection under Section 552.221(b)(1) or access to
17 a computer terminal under Section 552.221(b)(3)(C) to access public
18 information on an Internet website subsequently requests copies of
19 the public information, the provisions of Subchapter F apply. This
20 subsection does not apply to real property record title
21 information, including tax parcel identification numbers.

22 SECTION 6. Except as otherwise provided by this Act, this
23 Act takes effect immediately if it receives a vote of two-thirds of
24 all the members elected to each house, as provided by Section 39,
25 Article III, Texas Constitution. If this Act does not receive the
26 vote necessary for immediate effect, then except as otherwise
27 provided by this Act, this Act takes effect September 1, 2009.