

1-1 By: Wentworth S.B. No. 1630
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 29, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 29, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1630 By: Deuell

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

1-10 relating to the availability of information under the public
1-11 information law.

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

1-13 SECTION 1. Subdivision (1), Section 552.003, Government
1-14 Code, is amended to read as follows:

1-15 (1) "Governmental body":

1-16 (A) means:

1-17 (i) a board, commission, department,
1-18 committee, institution, agency, or office that is within or is
1-19 created by the executive or legislative branch of state government
1-20 and that is directed by one or more elected or appointed members;

1-21 (ii) a county commissioners court in the
1-22 state;

1-23 (iii) a municipal governing body in the
1-24 state;

1-25 (iv) a deliberative body that has
1-26 rulemaking or quasi-judicial power and that is classified as a
1-27 department, agency, or political subdivision of a county or
1-28 municipality;

1-29 (v) a school district board of trustees;

1-30 (vi) a county board of school trustees;

1-31 (vii) a county board of education;

1-32 (viii) the governing board of a special
1-33 district;

1-34 (ix) the governing body of a nonprofit
1-35 corporation organized under Chapter 67, Water Code, that provides a
1-36 water supply or wastewater service, or both, and is exempt from ad
1-37 valorem taxation under Section 11.30, Tax Code;

1-38 (x) a local workforce development board
1-39 created under Section 2308.253;

1-40 (xi) a nonprofit corporation that is
1-41 eligible to receive funds under the federal community services
1-42 block grant program and that is authorized by this state to serve a
1-43 geographic area of the state; and

1-44 (xii) the part, section, or portion of an
1-45 organization, corporation, commission, committee, institution, or
1-46 agency that spends or that is supported in whole or in part by
1-47 public funds; and

1-48 (B) does not include:

1-49 (i) the judiciary; or

1-50 (ii) a nonprofit corporation that is
1-51 organized for the purposes of a chamber of commerce and provides
1-52 economic development services to a governmental body.

1-53 SECTION 2. Section 552.105, Government Code, is amended to
1-54 read as follows:

1-55 Sec. 552.105. EXCEPTION: INFORMATION RELATED TO LOCATION
1-56 OR PRICE OF PROPERTY. (a) Information is excepted from the
1-57 requirements of Section 552.021 if it is information relating to:

1-58 (1) the location of real or personal property for a
1-59 public purpose prior to public announcement of the project; or

1-60 (2) appraisals or purchase price of real or personal
1-61 property for a public purpose prior to the formal award of contracts
1-62 for the property.

1-63 (b) Section 552.022 does not apply to information described

2-1 by Subsection (a).

2-2 SECTION 3. Subsection (b), Section 552.221, Government
2-3 Code, is amended to read as follows:

2-4 (b) An officer for public information complies with
2-5 Subsection (a) by:

2-6 (1) providing the public information for inspection or
2-7 duplication in the offices of the governmental body; ~~or~~

2-8 (2) sending copies of the public information by first
2-9 class United States mail if the person requesting the information
2-10 requests that copies be provided and pays the postage and any other
2-11 applicable charges that the requestor has accrued under Subchapter
2-12 F; or

2-13 (3)(A) informing the person requesting the
2-14 information, in writing, that the public information is available
2-15 on an Internet website that is:

2-16 (i) owned, controlled, or maintained by the
2-17 governmental body; and

2-18 (ii) accessible to members of the general
2-19 public;

2-20 (B) providing the person, in writing, the exact
2-21 Internet location or uniform resource locator (URL) address where
2-22 the person can access the public information; and

2-23 (C) offering the person access to a computer
2-24 terminal at no charge so that the person can access the public
2-25 information on the Internet website.

2-26 SECTION 4. Section 552.228, Government Code, is amended by
2-27 adding Subsection (a-1) to read as follows:

2-28 (a-1) The policy of a governmental body under Subsection (a)
2-29 is considered to be fulfilled if the governmental body complies
2-30 with Section 552.221(b). If a person who is provided public
2-31 information for inspection under Section 552.221(b)(1) or access to
2-32 a computer terminal under Section 552.221(b)(3)(C) to access public
2-33 information on an Internet website subsequently requests copies of
2-34 the public information, the provisions of Subchapter F apply.

2-35 SECTION 5. This Act takes effect immediately if it receives
2-36 a vote of two-thirds of all the members elected to each house, as
2-37 provided by Section 39, Article III, Texas Constitution. If this
2-38 Act does not receive the vote necessary for immediate effect, this
2-39 Act takes effect September 1, 2009.

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