

By: Solomons

H.B. No. 1044

A BILL TO BE ENTITLED

1 AN ACT
2 relating to categories of information presumed to be public under
3 the public information law.

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

5 SECTION 1. Section 552.022, Government Code, is amended to
6 read as follows:

7 Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES.

8 (a) Without limiting the amount or kind of information that is
9 public information under this chapter, the following categories of
10 information are public information and not excepted from required
11 disclosure unless made confidential under this chapter or [~~unless~~
12 ~~they are expressly confidential under~~] other law:

13 (1) a completed report, audit, evaluation, or
14 investigation made of, for, or by a governmental body, except as
15 provided by Section 552.108;

16 (2) the name, sex, ethnicity, salary, title, and dates
17 of employment of each employee and officer of a governmental body;

18 (3) information in an account, voucher, or contract
19 relating to the receipt or expenditure of public or other funds by a
20 governmental body;

21 (4) the name of each official and the final record of
22 voting on all proceedings in a governmental body;

23 (5) all working papers, research material, and
24 information used to estimate the need for or expenditure of public

1 funds or taxes by a governmental body, on completion of the
2 estimate;

3 (6) the name, place of business, and the name of the
4 municipality to which local sales and use taxes are credited, if
5 any, for the named person, of a person reporting or paying sales and
6 use taxes under Chapter 151, Tax Code;

7 (7) a description of an agency's central and field
8 organizations, including:

9 (A) the established places at which the public
10 may obtain information, submit information or requests, or obtain
11 decisions;

12 (B) the employees from whom the public may obtain
13 information, submit information or requests, or obtain decisions;

14 (C) in the case of a uniformed service, the
15 members from whom the public may obtain information, submit
16 information or requests, or obtain decisions; and

17 (D) the methods by which the public may obtain
18 information, submit information or requests, or obtain decisions;

19 (8) a statement of the general course and method by
20 which an agency's functions are channeled and determined, including
21 the nature and requirements of all formal and informal policies and
22 procedures;

23 (9) a rule of procedure, a description of forms
24 available or the places at which forms may be obtained, and
25 instructions relating to the scope and content of all papers,
26 reports, or examinations;

27 (10) a substantive rule of general applicability

1 adopted or issued by an agency as authorized by law, and a statement
2 of general policy or interpretation of general applicability
3 formulated and adopted by an agency;

4 (11) each amendment, revision, or repeal of
5 information described by Subdivisions (7)-(10);

6 (12) final opinions, including concurring and
7 dissenting opinions, and orders issued in the adjudication of
8 cases;

9 (13) a policy statement or interpretation that has
10 been adopted or issued by an agency;

11 (14) administrative staff manuals and instructions to
12 staff that affect a member of the public;

13 (15) information regarded as open to the public under
14 an agency's policies;

15 (16) information that is in a bill for attorney's fees
16 and that is not privileged under the attorney-client privilege;

17 (17) information that is also contained in a public
18 court record; and

19 (18) a settlement agreement to which a governmental
20 body is a party.

21 (b) A court in this state may not order a governmental body
22 or an officer for public information to withhold from public
23 inspection any category of public information described by
24 Subsection (a) or to not produce the category of public information
25 for inspection or duplication, unless the category of information
26 is [~~expressly made~~] confidential under this chapter or other law.

27 SECTION 2. The change in law made by this Act to Section

1 552.022, Government Code, applies only to a request for information
2 that is received by a governmental body or an officer for public
3 information on or after the effective date of this Act. A request
4 for information that was received before the effective date of this
5 Act is governed by the law in effect on the date the request was
6 received, and the former law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect September 1, 2011.