

By: Wentworth

S.B. No. 375

A BILL TO BE ENTITLED

1 AN ACT
2 relating to categories of information presumed to be public and
3 certain exceptions from required disclosure under the public
4 information law.

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

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

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

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

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

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

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

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

1 (5) all working papers, research material, and
2 information used to estimate the need for or expenditure of public
3 funds or taxes by a governmental body, on completion of the
4 estimate;

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

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

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

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

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

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

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

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

1 reports, or examinations;

2 (10) a substantive rule of general applicability
3 adopted or issued by an agency as authorized by law, and a statement
4 of general policy or interpretation of general applicability
5 formulated and adopted by an agency;

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

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

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

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

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

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

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

21 (18) a settlement agreement to which a governmental
22 body is a party.

23 (b) A court in this state may not order a governmental body
24 or an officer for public information to withhold from public
25 inspection any category of public information described by
26 Subsection (a) or to not produce the category of public information
27 for inspection or duplication, unless the category of information

1 is [~~expressly made~~] confidential under this chapter or other law.

2 SECTION 2. The heading to Section 552.102, Government Code,
3 is amended to read as follows:

4 Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN
5 PERSONNEL INFORMATION.

6 SECTION 3. The heading to Section 552.109, Government Code,
7 is amended to read as follows:

8 Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN
9 PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

10 SECTION 4. The heading to Section 552.110, Government Code,
11 is amended to read as follows:

12 Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS;
13 CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

14 SECTION 5. The heading to Section 552.113, Government Code,
15 is amended to read as follows:

16 Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR
17 GEOPHYSICAL INFORMATION.

18 SECTION 6. The heading to Section 552.114, Government Code,
19 is amended to read as follows:

20 Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT
21 RECORDS.

22 SECTION 7. The heading to Section 552.115, Government Code,
23 is amended to read as follows:

24 Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND
25 DEATH RECORDS.

26 SECTION 8. The heading to Section 552.117, Government Code,
27 is amended to read as follows:

1 Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN
2 ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND
3 PERSONAL FAMILY INFORMATION.

4 SECTION 9. The heading to Section 552.118, Government Code,
5 is amended to read as follows:

6 Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL
7 PRESCRIPTION FORM.

8 SECTION 10. The heading to Section 552.119, Government
9 Code, is amended to read as follows:

10 Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN
11 PHOTOGRAPHS [~~PHOTOGRAPH~~] OF PEACE OFFICERS [~~OFFICER~~].

12 SECTION 11. The heading to Section 552.120, Government
13 Code, is amended to read as follows:

14 Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE
15 BOOKS AND ORIGINAL MANUSCRIPTS.

16 SECTION 12. The heading to Section 552.121, Government
17 Code, is amended to read as follows:

18 Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN
19 DOCUMENTS HELD FOR HISTORICAL RESEARCH.

20 SECTION 13. The heading to Section 552.123, Government
21 Code, is amended to read as follows:

22 Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF
23 APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER
24 EDUCATION.

25 SECTION 14. The heading to Section 552.1235, Government
26 Code, is amended to read as follows:

27 Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF

1 PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

2 SECTION 15. Subsection (a), Section 552.1235, Government
3 Code, is amended to read as follows:

4 (a) The name or other information that would tend to
5 disclose the identity of a person, other than a governmental body,
6 who makes a gift, grant, or donation of money or property to an
7 institution of higher education or to another person with the
8 intent that the money or property be transferred to an institution
9 of higher education is excepted from the requirements of Section
10 552.021 if the person who makes the gift, grant, or donation elects
11 for the information to remain confidential. An election under this
12 section must be in writing, be signed by the person making the gift,
13 grant, or donation, and be filed with the institution of higher
14 education at the time the person makes the gift, grant, or donation.

15 SECTION 16. The heading to Section 552.124, Government
16 Code, is amended to read as follows:

17 Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
18 LIBRARY OR LIBRARY SYSTEM.

19 SECTION 17. The heading to Section 552.126, Government
20 Code, is amended to read as follows:

21 Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF
22 APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

23 SECTION 18. The heading to Section 552.127, Government
24 Code, is amended to read as follows:

25 Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL
26 INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH
27 ORGANIZATION.

1 SECTION 19. The heading to Section 552.128, Government
2 Code, is amended to read as follows:

3 Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN
4 INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

5 SECTION 20. The heading to Section 552.129, Government
6 Code, is amended to read as follows:

7 Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE
8 INSPECTION INFORMATION.

9 SECTION 21. The heading to Section 552.130, Government
10 Code, is amended to read as follows:

11 Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR
12 VEHICLE RECORDS.

13 SECTION 22. The heading to Section 552.131, Government
14 Code, is amended to read as follows:

15 Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN
16 ECONOMIC DEVELOPMENT INFORMATION.

17 SECTION 23. The heading to Section 552.133, Government
18 Code, is amended to read as follows:

19 Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER
20 UTILITY COMPETITIVE MATTERS.

21 SECTION 24. The heading to Section 552.134, Government
22 Code, is amended to read as follows:

23 Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN
24 INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

25 SECTION 25. The heading to Section 552.135, Government
26 Code, is amended to read as follows:

27 Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN

1 INFORMATION HELD BY SCHOOL DISTRICT.

2 SECTION 26. The heading to Section 552.138, Government
3 Code, is amended to read as follows:

4 Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY
5 VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

6 SECTION 27. The heading to Section 552.139, Government
7 Code, is amended to read as follows:

8 Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT
9 INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR
10 COMPUTERS.

11 SECTION 28. The heading to Section 552.140, Government
12 Code, is amended to read as follows:

13 Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY
14 DISCHARGE RECORDS.

15 SECTION 29. The heading to Section 552.142, Government
16 Code, is amended to read as follows:

17 Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
18 CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE
19 BY FINE ONLY.

20 SECTION 30. The heading to Section 552.145, Government
21 Code, is amended to read as follows:

22 Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL
23 LIST.

24 SECTION 31. The heading to Section 552.148, Government
25 Code, is amended to read as follows:

26 Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN
27 PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A

1 MINOR.

2 SECTION 32. The heading to Section 552.149, Government
3 Code, is amended to read as follows:

4 Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
5 COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

6 SECTION 33. The heading to Section 552.150, Government
7 Code, is amended to read as follows:

8 Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION
9 THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL
10 DISTRICT.

11 SECTION 34. The heading to Section 552.151, Government
12 Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st
13 Legislature, Regular Session, 2009, is amended to read as follows:

14 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
15 REGARDING SELECT AGENTS.

16 SECTION 35. The heading to Section 552.151, Government
17 Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st
18 Legislature, Regular Session, 2009, is amended to read as follows:

19 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
20 CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

21 SECTION 36. The change in law made by this Act to Sections
22 552.022 and 552.1235, Government Code, applies only to a request
23 for information that is received by a governmental body or an
24 officer for public information on or after the effective date of
25 this Act. A request for information that was received before the
26 effective date of this Act is governed by the law in effect on the
27 date the request was received, and the former law is continued in

1 effect for that purpose.

2 SECTION 37. This Act takes effect September 1, 2011.