

By: Wentworth
(Solomons)

S.B. No. 375

Substitute the following for S.B. No. 375:

By: Cook

C.S.S.B. No. 375

A BILL TO BE ENTITLED

AN ACT

1
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 heading to Section 552.102, Government Code,

1 is amended to read as follows:

2 Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN
3 PERSONNEL INFORMATION.

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

6 Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN
7 PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

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

10 Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS;
11 CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

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

14 Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR
15 GEOPHYSICAL INFORMATION.

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

18 Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT
19 RECORDS.

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

22 Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH
23 RECORDS.

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

26 Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN
27 ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND

1 PERSONAL FAMILY INFORMATION.

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

4 Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL
5 PRESCRIPTION FORM.

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

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

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

12 Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE
13 BOOKS AND ORIGINAL MANUSCRIPTS.

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

16 Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN
17 DOCUMENTS HELD FOR HISTORICAL RESEARCH.

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

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

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

25 Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF
26 PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

27 SECTION 15. The heading to Section 552.124, Government

1 Code, is amended to read as follows:

2 Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
3 LIBRARY OR LIBRARY SYSTEM.

4 SECTION 16. The heading to Section 552.126, Government
5 Code, is amended to read as follows:

6 Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF
7 APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

8 SECTION 17. The heading to Section 552.127, Government
9 Code, is amended to read as follows:

10 Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL
11 INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH
12 ORGANIZATION.

13 SECTION 18. The heading to Section 552.128, Government
14 Code, is amended to read as follows:

15 Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN
16 INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

17 SECTION 19. The heading to Section 552.129, Government
18 Code, is amended to read as follows:

19 Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE
20 INSPECTION INFORMATION.

21 SECTION 20. The heading to Section 552.130, Government
22 Code, is amended to read as follows:

23 Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR
24 VEHICLE RECORDS.

25 SECTION 21. The heading to Section 552.131, Government
26 Code, is amended to read as follows:

27 Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN

1 ECONOMIC DEVELOPMENT INFORMATION.

2 SECTION 22. The heading to Section 552.133, Government
3 Code, is amended to read as follows:

4 Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER
5 UTILITY COMPETITIVE MATTERS.

6 SECTION 23. The heading to Section 552.134, Government
7 Code, is amended to read as follows:

8 Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN
9 INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

10 SECTION 24. The heading to Section 552.135, Government
11 Code, is amended to read as follows:

12 Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN
13 INFORMATION HELD BY SCHOOL DISTRICT.

14 SECTION 25. The heading to Section 552.138, Government
15 Code, is amended to read as follows:

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

18 SECTION 26. The heading to Section 552.139, Government
19 Code, is amended to read as follows:

20 Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT
21 INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR
22 COMPUTERS.

23 SECTION 27. The heading to Section 552.140, Government
24 Code, is amended to read as follows:

25 Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY
26 DISCHARGE RECORDS.

27 SECTION 28. The heading to Section 552.142, Government

1 Code, is amended to read as follows:

2 Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF
3 CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE
4 BY FINE ONLY.

5 SECTION 29. The heading to Section 552.145, Government
6 Code, is amended to read as follows:

7 Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL
8 LIST.

9 SECTION 30. The heading to Section 552.148, Government
10 Code, is amended to read as follows:

11 Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN
12 PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A
13 MINOR.

14 SECTION 31. The heading to Section 552.149, Government
15 Code, is amended to read as follows:

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

18 SECTION 32. The heading to Section 552.150, Government
19 Code, is amended to read as follows:

20 Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION
21 THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL
22 DISTRICT.

23 SECTION 33. The heading to Section 552.151, Government
24 Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st
25 Legislature, Regular Session, 2009, is amended to read as follows:

26 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
27 REGARDING SELECT AGENTS.

1 SECTION 34. The heading to Section 552.151, Government
2 Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st
3 Legislature, Regular Session, 2009, is amended to read as follows:

4 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION
5 CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

6 SECTION 35. The change in law made by this Act to Section
7 552.022, Government Code, applies only to a request for information
8 that is received by a governmental body or an officer for public
9 information on or after the effective date of this Act. A request
10 for information that was received before the effective date of this
11 Act is governed by the law in effect on the date the request was
12 received, and the former law is continued in effect for that
13 purpose.

14 SECTION 36. This Act takes effect September 1, 2011.