

1-1 By: Wentworth S.B. No. 375  
1-2 (In the Senate - Filed January 19, 2011; February 23, 2011,  
1-3 read first time and referred to Select Committee on Open  
1-4 Government; April 12, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;  
1-6 April 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 375 By: Wentworth

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

1-10 relating to categories of information presumed to be public and  
1-11 certain exceptions from required disclosure under the public  
1-12 information law.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 552.022, Government Code, is amended to  
1-15 read as follows:

1-16 Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES.

1-17 (a) Without limiting the amount or kind of information that is  
1-18 public information under this chapter, the following categories of  
1-19 information are public information and not excepted from required  
1-20 disclosure unless made confidential under this chapter or [unless  
1-21 ~~they are expressly confidential under]~~ other law:

1-22 (1) a completed report, audit, evaluation, or  
1-23 investigation made of, for, or by a governmental body, except as  
1-24 provided by Section 552.108;

1-25 (2) the name, sex, ethnicity, salary, title, date of  
1-26 birth, and dates of employment of each employee and officer of a  
1-27 governmental body;

1-28 (3) information in an account, voucher, or contract  
1-29 relating to the receipt or expenditure of public or other funds by a  
1-30 governmental body;

1-31 (4) the name of each official and the final record of  
1-32 voting on all proceedings in a governmental body;

1-33 (5) all working papers, research material, and  
1-34 information used to estimate the need for or expenditure of public  
1-35 funds or taxes by a governmental body, on completion of the  
1-36 estimate;

1-37 (6) the name, place of business, and the name of the  
1-38 municipality to which local sales and use taxes are credited, if  
1-39 any, for the named person, of a person reporting or paying sales and  
1-40 use taxes under Chapter 151, Tax Code;

1-41 (7) a description of an agency's central and field  
1-42 organizations, including:

1-43 (A) the established places at which the public  
1-44 may obtain information, submit information or requests, or obtain  
1-45 decisions;

1-46 (B) the employees from whom the public may obtain  
1-47 information, submit information or requests, or obtain decisions;

1-48 (C) in the case of a uniformed service, the  
1-49 members from whom the public may obtain information, submit  
1-50 information or requests, or obtain decisions; and

1-51 (D) the methods by which the public may obtain  
1-52 information, submit information or requests, or obtain decisions;

1-53 (8) a statement of the general course and method by  
1-54 which an agency's functions are channeled and determined, including  
1-55 the nature and requirements of all formal and informal policies and  
1-56 procedures;

1-57 (9) a rule of procedure, a description of forms  
1-58 available or the places at which forms may be obtained, and  
1-59 instructions relating to the scope and content of all papers,  
1-60 reports, or examinations;

1-61 (10) a substantive rule of general applicability  
1-62 adopted or issued by an agency as authorized by law, and a statement  
1-63 of general policy or interpretation of general applicability

2-1 formulated and adopted by an agency;  
 2-2 (11) each amendment, revision, or repeal of  
 2-3 information described by Subdivisions (7)-(10);  
 2-4 (12) final opinions, including concurring and  
 2-5 dissenting opinions, and orders issued in the adjudication of  
 2-6 cases;  
 2-7 (13) a policy statement or interpretation that has  
 2-8 been adopted or issued by an agency;  
 2-9 (14) administrative staff manuals and instructions to  
 2-10 staff that affect a member of the public;  
 2-11 (15) information regarded as open to the public under  
 2-12 an agency's policies;  
 2-13 (16) information that is in a bill for attorney's fees  
 2-14 and that is not privileged under the attorney-client privilege;  
 2-15 (17) information that is also contained in a public  
 2-16 court record; and  
 2-17 (18) a settlement agreement to which a governmental  
 2-18 body is a party.  
 2-19 (b) A court in this state may not order a governmental body  
 2-20 or an officer for public information to withhold from public  
 2-21 inspection any category of public information described by  
 2-22 Subsection (a) or to not produce the category of public information  
 2-23 for inspection or duplication, unless the category of information  
 2-24 is [~~expressly made~~] confidential under this chapter or other law.  
 2-25 SECTION 2. The heading to Section 552.102, Government Code,  
 2-26 is amended to read as follows:  
 2-27 Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
 2-28 PERSONNEL INFORMATION.  
 2-29 SECTION 3. The heading to Section 552.109, Government Code,  
 2-30 is amended to read as follows:  
 2-31 Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
 2-32 PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.  
 2-33 SECTION 4. The heading to Section 552.110, Government Code,  
 2-34 is amended to read as follows:  
 2-35 Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS;  
 2-36 CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.  
 2-37 SECTION 5. The heading to Section 552.113, Government Code,  
 2-38 is amended to read as follows:  
 2-39 Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR  
 2-40 GEOPHYSICAL INFORMATION.  
 2-41 SECTION 6. The heading to Section 552.114, Government Code,  
 2-42 is amended to read as follows:  
 2-43 Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT  
 2-44 RECORDS.  
 2-45 SECTION 7. The heading to Section 552.115, Government Code,  
 2-46 is amended to read as follows:  
 2-47 Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND  
 2-48 DEATH RECORDS.  
 2-49 SECTION 8. The heading to Section 552.117, Government Code,  
 2-50 is amended to read as follows:  
 2-51 Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
 2-52 ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND  
 2-53 PERSONAL FAMILY INFORMATION.  
 2-54 SECTION 9. The heading to Section 552.118, Government Code,  
 2-55 is amended to read as follows:  
 2-56 Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL  
 2-57 PRESCRIPTION FORM.  
 2-58 SECTION 10. The heading to Section 552.119, Government  
 2-59 Code, is amended to read as follows:  
 2-60 Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
 2-61 PHOTOGRAPHS [~~PHOTOGRAPH~~] OF PEACE OFFICERS [~~OFFICER~~].  
 2-62 SECTION 11. The heading to Section 552.120, Government  
 2-63 Code, is amended to read as follows:  
 2-64 Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE  
 2-65 BOOKS AND ORIGINAL MANUSCRIPTS.  
 2-66 SECTION 12. The heading to Section 552.121, Government  
 2-67 Code, is amended to read as follows:  
 2-68 Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
 2-69 DOCUMENTS HELD FOR HISTORICAL RESEARCH.

3-1 SECTION 13. The heading to Section 552.123, Government  
3-2 Code, is amended to read as follows:  
3-3 Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF  
3-4 APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER  
3-5 EDUCATION.  
3-6 SECTION 14. The heading to Section 552.1235, Government  
3-7 Code, is amended to read as follows:  
3-8 Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF  
3-9 PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.  
3-10 SECTION 15. Subsection (a), Section 552.1235, Government  
3-11 Code, is amended to read as follows:  
3-12 (a) The name or other information that would tend to  
3-13 disclose the identity of a person, other than a governmental body,  
3-14 who makes a gift, grant, or donation of money or property to an  
3-15 institution of higher education or to another person with the  
3-16 intent that the money or property be transferred to an institution  
3-17 of higher education is excepted from the requirements of Section  
3-18 552.021 if the person who makes the gift, grant, or donation elects  
3-19 for the information to remain confidential. An election under this  
3-20 section must be in writing, be signed by the person making the gift,  
3-21 grant, or donation, and be filed with the institution of higher  
3-22 education at the time the person makes the gift, grant, or donation.  
3-23 SECTION 16. The heading to Section 552.124, Government  
3-24 Code, is amended to read as follows:  
3-25 Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF  
3-26 LIBRARY OR LIBRARY SYSTEM.  
3-27 SECTION 17. The heading to Section 552.126, Government  
3-28 Code, is amended to read as follows:  
3-29 Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF  
3-30 APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.  
3-31 SECTION 18. The heading to Section 552.127, Government  
3-32 Code, is amended to read as follows:  
3-33 Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL  
3-34 INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH  
3-35 ORGANIZATION.  
3-36 SECTION 19. The heading to Section 552.128, Government  
3-37 Code, is amended to read as follows:  
3-38 Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
3-39 INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.  
3-40 SECTION 20. The heading to Section 552.129, Government  
3-41 Code, is amended to read as follows:  
3-42 Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE  
3-43 INSPECTION INFORMATION.  
3-44 SECTION 21. The heading to Section 552.130, Government  
3-45 Code, is amended to read as follows:  
3-46 Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR  
3-47 VEHICLE RECORDS.  
3-48 SECTION 22. The heading to Section 552.131, Government  
3-49 Code, is amended to read as follows:  
3-50 Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
3-51 ECONOMIC DEVELOPMENT INFORMATION.  
3-52 SECTION 23. The heading to Section 552.133, Government  
3-53 Code, is amended to read as follows:  
3-54 Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER  
3-55 UTILITY COMPETITIVE MATTERS.  
3-56 SECTION 24. The heading to Section 552.134, Government  
3-57 Code, is amended to read as follows:  
3-58 Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
3-59 INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.  
3-60 SECTION 25. The heading to Section 552.135, Government  
3-61 Code, is amended to read as follows:  
3-62 Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
3-63 INFORMATION HELD BY SCHOOL DISTRICT.  
3-64 SECTION 26. The heading to Section 552.138, Government  
3-65 Code, is amended to read as follows:  
3-66 Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY  
3-67 VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.  
3-68 SECTION 27. The heading to Section 552.139, Government  
3-69 Code, is amended to read as follows:

4-1 Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT  
4-2 INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR  
4-3 COMPUTERS.

4-4 SECTION 28. The heading to Section 552.140, Government  
4-5 Code, is amended to read as follows:

4-6 Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY  
4-7 DISCHARGE RECORDS.

4-8 SECTION 29. The heading to Section 552.142, Government  
4-9 Code, is amended to read as follows:

4-10 Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF  
4-11 CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE  
4-12 BY FINE ONLY.

4-13 SECTION 30. The heading to Section 552.145, Government  
4-14 Code, is amended to read as follows:

4-15 Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL  
4-16 LIST.

4-17 SECTION 31. The heading to Section 552.148, Government  
4-18 Code, is amended to read as follows:

4-19 Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
4-20 PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A  
4-21 MINOR.

4-22 SECTION 32. The heading to Section 552.149, Government  
4-23 Code, is amended to read as follows:

4-24 Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF  
4-25 COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

4-26 SECTION 33. The heading to Section 552.150, Government  
4-27 Code, is amended to read as follows:

4-28 Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION  
4-29 THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL  
4-30 DISTRICT.

4-31 SECTION 34. The heading to Section 552.151, Government  
4-32 Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st  
4-33 Legislature, Regular Session, 2009, is amended to read as follows:

4-34 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION  
4-35 REGARDING SELECT AGENTS.

4-36 SECTION 35. The heading to Section 552.151, Government  
4-37 Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st  
4-38 Legislature, Regular Session, 2009, is amended to read as follows:

4-39 Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION  
4-40 CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

4-41 SECTION 36. The change in law made by this Act to Sections  
4-42 552.022 and 552.1235, Government Code, applies only to a request  
4-43 for information that is received by a governmental body or an  
4-44 officer for public information on or after the effective date of  
4-45 this Act. A request for information that was received before the  
4-46 effective date of this Act is governed by the law in effect on the  
4-47 date the request was received, and the former law is continued in  
4-48 effect for that purpose.

4-49 SECTION 37. This Act takes effect September 1, 2011.

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