

1-1 By: Rodriguez S.B. No. 602  
1-2 (In the Senate - Filed February 11, 2011;  
1-3 February 23, 2011, read first time and referred to Select Committee  
1-4 on Open Government; April 12, 2011, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 3, Nays  
1-6 0; April 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 602 By: Davis

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

1-10 relating to allowing a governmental body to redact certain personal  
1-11 information under the public information law without the necessity  
1-12 of requesting a decision from the attorney general and the  
1-13 calculation of certain deadlines under the public information law.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 552.130, Government Code, is amended by  
1-16 adding Subsections (c), (d), and (e) to read as follows:

1-17 (c) Subject to Chapter 730, Transportation Code, a  
1-18 governmental body may redact information described by Subsections  
1-19 (a)(1) and (3) from any information the governmental body discloses  
1-20 under Section 552.021 without the necessity of requesting a  
1-21 decision from the attorney general under Subchapter G.

1-22 (d) If, under Subsection (c), a governmental body redacts or  
1-23 withholds information without requesting a decision from the  
1-24 attorney general about whether the information may be redacted or  
1-25 withheld, the requestor is entitled to seek a decision from the  
1-26 attorney general about the matter. The attorney general by rule  
1-27 shall establish procedures and deadlines for receiving information  
1-28 necessary to decide the matter and briefs from the requestor, the  
1-29 governmental body, and any other interested person. The attorney  
1-30 general shall promptly render a decision requested under this  
1-31 subsection, determining whether the redacted or withheld  
1-32 information was excepted from required disclosure to the requestor,  
1-33 not later than the 45th business day after the date the attorney  
1-34 general received the request for a decision under this subsection.  
1-35 The attorney general shall issue a written decision on the matter  
1-36 and provide a copy of the decision to the requestor, the  
1-37 governmental body, and any interested person who submitted  
1-38 necessary information or a brief to the attorney general about the  
1-39 matter. The requestor or the governmental body may appeal a  
1-40 decision of the attorney general under this subsection to a Travis  
1-41 County district court.

1-42 (e) A governmental body that redacts or withholds  
1-43 information under Subsection (c) shall provide the following  
1-44 information to the requestor on a form prescribed by the attorney  
1-45 general:

1-46 (1) a description of the redacted or withheld  
1-47 information;

1-48 (2) a citation to this section; and

1-49 (3) instructions regarding how the requestor may seek  
1-50 a decision from the attorney general regarding whether the redacted  
1-51 or withheld information is excepted from required disclosure.

1-52 SECTION 2. Section 552.136, Government Code, is amended by  
1-53 adding Subsections (c), (d), and (e) to read as follows:

1-54 (c) A governmental body may redact information that must be  
1-55 withheld under Subsection (b) from any information the governmental  
1-56 body discloses under Section 552.021 without the necessity of  
1-57 requesting a decision from the attorney general under Subchapter G.

1-58 (d) If, under Subsection (c), a governmental body redacts or  
1-59 withholds information without requesting a decision from the  
1-60 attorney general about whether the information may be redacted or  
1-61 withheld, the requestor is entitled to seek a decision from the  
1-62 attorney general about the matter. The attorney general by rule  
1-63 shall establish procedures and deadlines for receiving information

2-1 necessary to decide the matter and briefs from the requestor, the  
2-2 governmental body, and any other interested person. The attorney  
2-3 general shall promptly render a decision requested under this  
2-4 subsection, determining whether the redacted or withheld  
2-5 information was excepted from required disclosure to the requestor,  
2-6 not later than the 45th business day after the date the attorney  
2-7 general received the request for a decision under this subsection.  
2-8 The attorney general shall issue a written decision on the matter  
2-9 and provide a copy of the decision to the requestor, the  
2-10 governmental body, and any interested person who submitted  
2-11 necessary information or a brief to the attorney general about the  
2-12 matter. The requestor or the governmental body may appeal a  
2-13 decision of the attorney general under this subsection to a Travis  
2-14 County district court.

2-15 (e) A governmental body that redacts or withholds  
2-16 information under Subsection (c) shall provide the following  
2-17 information to the requestor on a form prescribed by the attorney  
2-18 general:

2-19 (1) a description of the redacted or withheld  
2-20 information;

2-21 (2) a citation to this section; and

2-22 (3) instructions regarding how the requestor may seek  
2-23 a decision from the attorney general regarding whether the redacted  
2-24 or withheld information is excepted from required disclosure.

2-25 SECTION 3. Section 552.263, Government Code, is amended by  
2-26 adding Subsection (e-1) to read as follows:

2-27 (e-1) If a requestor modifies the request in response to the  
2-28 requirement of a deposit or bond authorized by this section, the  
2-29 modified request is considered a separate request for the purposes  
2-30 of this chapter and is considered received on the date the  
2-31 governmental body receives the written modified request.

2-32 SECTION 4. Section 552.301, Government Code, is amended by  
2-33 adding Subsection (a-1) to read as follows:

2-34 (a-1) For the purposes of this subchapter, if a governmental  
2-35 body receives a written request by United States mail and cannot  
2-36 adequately establish the actual date on which the governmental body  
2-37 received the request, the written request is considered to have  
2-38 been received by the governmental body on the third business day  
2-39 after the date of the postmark on a properly addressed request.

2-40 SECTION 5. The changes in law made by this Act to Sections  
2-41 552.263 and 552.301, Government Code, apply only to a request for  
2-42 information that is received by a governmental body or an officer  
2-43 for public information on or after the effective date of this Act.  
2-44 A request for information that was received before the effective  
2-45 date of this Act is governed by the law in effect on the date the  
2-46 request was received, and the former law is continued in effect for  
2-47 that purpose.

2-48 SECTION 6. This Act takes effect September 1, 2011.

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