

By: Larson

H.B. No. 3200

Substitute the following for H.B. No. 3200:

By: Harper-Brown

C.S.H.B. No. 3200

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a suit for a writ of mandamus compelling a governmental
3 body to make information available for public inspection under the
4 public information law.

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

6 SECTION 1. Section 552.321, Government Code, is amended by
7 adding Subsections (c), (d), (e), and (f) to read as follows:

8 (c) A requestor may file suit for a writ of mandamus under
9 this section only if:

10 (1) the time period for the governmental body to
11 request a decision from the attorney general under Subchapter G has
12 elapsed and the governmental body has not requested a decision in
13 that time period; or

14 (2) the governmental body has timely requested a
15 decision from the attorney general under Subchapter G and:

16 (A) the attorney general has issued a decision
17 that information to which the decision applies is public
18 information that is not excepted from disclosure under Subchapter
19 C, and the governmental body has not disclosed the information
20 within 30 days after the date the attorney general issued the
21 decision; or

22 (B) the time period for the attorney general to
23 issue a decision under Subchapter G has elapsed.

24 (d) A suit for a writ of mandamus filed under this section

1 must allege that the applicable time period described by Subsection
2 (c) has elapsed.

3 (e) A governmental body may file a motion to dismiss a suit
4 for a writ of mandamus compelling the governmental body to make
5 information available for public inspection that does not comply
6 with the requirements of Subsection (c).

7 (f) The court shall dismiss a suit for a writ of mandamus
8 compelling a governmental body to make information available for
9 public inspection that does not comply with the requirements of
10 Subsection (c). If the court dismisses the suit under this
11 subsection, the court may award the governmental body court costs
12 and reasonable attorney's fees.

13 SECTION 2. Section 552.321, Government Code, as amended by
14 this Act, applies to a suit for a writ of mandamus compelling a
15 governmental body to make information available for public
16 inspection that is filed on or after September 1, 2013. A suit for a
17 writ of mandamus compelling a governmental body to make information
18 available for public inspection that is filed before that date is
19 governed by the law as it existed immediately before the effective
20 date of this Act, and that law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect September 1, 2013.