

By: Larson

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

relating to a suit for a writ of mandamus compelling a governmental body to make information available for public inspection under the public information law.

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

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

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

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

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

(A) the attorney general has issued a decision that information to which the decision applies is public information that is not excepted from disclosure under Subchapter C; or

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

(d) A suit for a writ of mandamus filed under Subsection (c) must allege that the applicable time period described by Subsection (c) has elapsed.

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

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

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

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