

Amend CSHB 3474 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.004 to read as follows:

Sec. 51.004. SPECIAL RIGHT OF ACCESS TO INFORMATION BY MUNICIPAL OFFICERS. (a) In this section:

(1) "Municipal governmental body":

(A) means:

(i) the governing body of a municipality;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a municipality; or

(iii) the part, section, or portion of a municipality described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "Municipal officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a municipal governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a municipal governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A municipal officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the municipal governmental body that the municipal officer oversees.

(c) A municipal governmental body on request by a municipal officer who oversees the governmental body shall provide public information, including confidential information or information

otherwise excepted from disclosure, to the municipal officer in accordance with Chapter 552, Government Code.

(d) A municipal governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the municipal governmental body to assert exceptions to required disclosure of the information in the future. The municipal governmental body may require the requesting municipal officer or a designated employee of the requesting municipal officer who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting municipal officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the municipal governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a municipal governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A municipal officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise

excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting municipal officer, the municipal governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the municipal governmental body and the requesting municipal officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting municipal officer, the municipal governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting municipal officer or the municipal governmental body may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located. A person may appeal a decision of the attorney general under this subsection to a district court in a county in which the municipality is located if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a municipal officer to obtain information from the municipal governmental body under other law;

(2) the procedures under which the information is obtained under other law; or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a municipal governmental body to withhold information from municipal officers.

SECTION \_\_\_\_\_. Chapter 89, Local Government Code, is amended by adding Section 89.007 to read as follows:

Sec. 89.007. SPECIAL RIGHT OF ACCESS TO INFORMATION BY OFFICERS OF COUNTIES, COUNTY BOARDS OF SCHOOL TRUSTEES, AND COUNTY BOARDS OF EDUCATION. (a) In this section:

(1) "County governmental body":

(A) means:

(i) a county commissioners court;

(ii) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county;

(iii) a county board of school trustees;

(iv) a county board of education; or

(v) the part, section, or portion of a county, county board of school trustees, or county board of education described by Section 552.003(1)(A)(xii), Government Code, that is a governmental body for purposes of Chapter 552, Government Code; and

(B) does not include:

(i) the judiciary; or

(ii) a private entity that spends or is supported wholly or partly by public funds.

(2) "County officer" means:

(A) an elected or appointed officer who supervises, manages, or controls a county governmental body; or

(B) a member of a board, a commission, a committee, or another body consisting of more than one individual elected or appointed to supervise, manage, or control a county governmental body.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(b) A county officer has a right of access to information that is for purposes of Chapter 552, Government Code, public information of the county governmental body that the county officer oversees.

(c) A county governmental body on request by the county officer who oversees the governmental body shall provide public information, including confidential information or information otherwise excepted from disclosure, to the county officer in accordance with Chapter 552, Government Code.

(d) A county governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the county governmental body to assert exceptions to required disclosure of the information in the future. The county governmental body may require the requesting county officer or a designated employee of the requesting county officer who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting county officer, or within that office for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the county governmental body remaining confidential and subject to the confidentiality agreement.

(e) An individual required by a county governmental body to sign a confidentiality agreement under Subsection (d) may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A county officer may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting county officer, the county governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure, not later than the 45th business day after the date the attorney general receives the request for a decision under this subsection. If the attorney general is unable to issue the decision within the 45-day period, the attorney general may extend the period for issuing the decision by an additional 10 business days by informing the county governmental body and the requesting county officer, during the original 45-day period, of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting county officer, the county governmental body, and any interested person who submitted necessary information or a brief to the attorney general under this subsection. The requesting county officer or the county governmental body may appeal a decision of the attorney general under this subsection to a district court in the county. A person may appeal a decision of the attorney general under this subsection to a district court in the county if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a county officer to obtain information from a county governmental body under other law;

(2) the procedures under which the information is obtained under other law; or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a county governmental body to withhold information from county officers.

SECTION \_\_\_\_\_. Chapter 201, Local Government Code, is amended by adding Section 201.010 to read as follows:

Sec. 201.010. SPECIAL RIGHT OF ACCESS TO DISTRICT INFORMATION BY DISTRICT DIRECTOR. (a) In this section:

(1) "Board" means the governing body of a special district.

(2) "Director" means a board member.

(3) "Public information" has the meaning assigned by Section 552.002, Government Code.

(4) "Special district" means a political subdivision of this state that has a limited geographic area and is created by local law or under general law for a special purpose. The term does not include a school district or hospital district.

(b) A director of a special district has a right of access to information that is public information of the district.

(c) A special district on request by a director of the district shall provide public information, including confidential information or information otherwise excepted from disclosure, to the director in accordance with Chapter 552, Government Code.

(d) A special district, by providing public information to a director under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right of the district to assert exceptions to required disclosure of the information in the future. The district may require the requesting director or a designated district employee of the requesting director who will view or handle information that is received under this section and that is confidential under law or otherwise excepted from disclosure to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the office of the requesting director or within that office for

purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the district remaining confidential and subject to the confidentiality agreement.

(e) If a director or a designated district employee is required by a special district to sign a confidentiality agreement under Subsection (d), the director may seek a decision as provided by Subsection (f) about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. A confidentiality agreement signed under Subsection (d) is void to the extent that the agreement covers information that is finally determined under Subsection (f) to not be confidential under law or otherwise excepted from disclosure.

(f) A director may seek a decision from the attorney general about whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to determine whether the information covered by the confidentiality agreement is confidential under law or otherwise excepted from disclosure and for receiving briefs from the requesting director, the special district, and any other interested person. The attorney general shall render the decision not later than the 55th business day after the date the attorney general receives the request for a decision. If the attorney general is unable to issue the decision within the 55-day period, the attorney general may during that 55-day period extend the period for issuing the decision by an additional 10 business days by informing the director, the special district, and any interested person who submitted necessary information or a brief to the attorney general of the reason for the delay. The attorney general shall issue a written decision and provide a copy of the decision to the requesting director, the special district, and any interested person who submitted necessary information or a

brief to the attorney general under this subsection. The requesting director or the special district may appeal a decision of the attorney general under this subsection to a district court. A person may appeal a decision of the attorney general under this subsection to a district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(g) This section does not affect:

(1) the right of a director of a special district to obtain information from the district under other law;

(2) the procedures under which the information is obtained under other law; or

(3) the use that may be made of the information obtained under other law.

(h) This section does not grant authority to a special district to withhold information from a director of the district.

SECTION \_\_\_\_\_. Section 51.004, Local Government Code, as added by this Act, applies only to a request for information by a municipal officer that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 89.007, Local Government Code, as added by this Act, applies only to a request for information by a county officer that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Section 201.010, Local Government Code, as added by this Act, applies only to a request for information by a director of a special district that is made on or after the effective date of this Act. A request for information made before the effective date of this Act is governed by the applicable law in effect immediately before the effective date of this Act, and that

law is continued in effect for that purpose.