

By: Galindo

H.B. No. 3233

A BILL TO BE ENTITLED

AN ACT

relating to the right of directors of special districts to obtain district information, documents, and records.

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

SECTION 1. 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

1 director under this section that is confidential or otherwise
2 excepted from required disclosure under law, does not waive or
3 affect the confidentiality of the information for purposes of state
4 or federal law or waive the right of the district to assert
5 exceptions to required disclosure of the information in the future.
6 The district may require the requesting director or the employees
7 of the requesting director who will view or handle information that
8 is received under this section and that is confidential under law or
9 otherwise excepted from disclosure to sign a confidentiality
10 agreement that covers the information and requires that:

11 (1) the information not be disclosed outside the
12 office of the requesting director or within that office for
13 purposes other than the purpose for which it was received;

14 (2) the information be labeled as confidential;

15 (3) the information be kept securely; or

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

21 (e) If a director or employee of a director is required by a
22 special district to sign a confidentiality agreement under
23 Subsection (d), the director may seek a decision as provided by
24 Subsection (f) about whether the information covered by the
25 confidentiality agreement is confidential under law or otherwise
26 excepted from disclosure. A confidentiality agreement signed under
27 Subsection (d) is void to the extent that the agreement covers

1 information that is finally determined under Subsection (f) to not
2 be confidential under law or otherwise excepted from disclosure.

3 (f) A director may seek a decision from the attorney general
4 about whether the information covered by the confidentiality
5 agreement is confidential under law or otherwise excepted from
6 disclosure. The attorney general by rule shall establish
7 procedures and deadlines for receiving information necessary to
8 determine whether the information covered by the confidentiality
9 agreement is confidential under law or otherwise excepted from
10 disclosure and for receiving briefs from the requesting director,
11 the special district, and any other interested person. The
12 attorney general shall promptly render a decision requested under
13 this subsection, determining whether the information covered by the
14 confidentiality agreement is confidential under law or otherwise
15 excepted from disclosure, not later than the 45th business day
16 after the date the attorney general receives the request for a
17 decision under this subsection. The attorney general shall issue a
18 written decision and provide a copy of the decision to the
19 requesting director, the special district, and any interested
20 person who submitted necessary information or a brief to the
21 attorney general under this subsection. The requesting director or
22 the special district may appeal a decision of the attorney general
23 under this subsection to a district court. A person may appeal a
24 decision of the attorney general under this subsection to a
25 district court if the person claims a proprietary interest in the
26 information affected by the decision or a privacy interest in the
27 information that a confidentiality law or judicial decision is

1 designed to protect.

2 (g) This section does not affect:

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

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

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

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

11 SECTION 2. Section 201.010, Local Government Code, as added
12 by this Act, applies only to a request for information by a director
13 of a special district that is made on or after the effective date of
14 this Act. A request for information made before the effective date
15 of this Act is governed by the applicable law in effect immediately
16 before the effective date of this Act, and that law is continued in
17 effect for that purpose.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2015.