

By: Taylor of Collin

S.B. No. 336

A BILL TO BE ENTITLED

AN ACT

relating to the right of municipal officers to obtain information,
documents, and records.

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

SECTION 1. 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

1 supervises, manages, or controls a municipal governmental body; or
2 (B) a member of a board, a commission, a
3 committee, or another body consisting of more than one individual
4 elected or appointed to supervise, manage, or control a municipal
5 governmental body.

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

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

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

17 (d) A municipal governmental body, by providing public
18 information under this section that is confidential or otherwise
19 excepted from required disclosure under law, does not waive or
20 affect the confidentiality of the information for purposes of state
21 or federal law or waive the right of the municipal governmental body
22 to assert exceptions to required disclosure of the information in
23 the future. The municipal governmental body may require the
24 requesting municipal officer or the employees of the requesting
25 municipal officer who will view or handle information that is
26 received under this section and that is confidential under law or
27 otherwise excepted from disclosure to sign a confidentiality

1 agreement that covers the information and requires that:

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

5 (2) the information be labeled as confidential;

6 (3) the information be kept securely; or

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

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

22 (f) A municipal officer may seek a decision from the
23 attorney general about whether the information covered by the
24 confidentiality agreement is confidential under law or otherwise
25 excepted from disclosure. The attorney general by rule shall
26 establish procedures and deadlines for receiving information
27 necessary to determine whether the information covered by the

1 confidentiality agreement is confidential under law or otherwise
2 excepted from disclosure and for receiving briefs from the
3 requesting municipal officer, the municipal governmental body, and
4 any other interested person. The attorney general shall promptly
5 render a decision requested under this subsection, determining
6 whether the information covered by the confidentiality agreement is
7 confidential under law or otherwise excepted from disclosure, not
8 later than the 45th business day after the date the attorney general
9 receives the request for a decision under this subsection. The
10 attorney general shall issue a written decision and provide a copy
11 of the decision to the requesting municipal officer, the municipal
12 governmental body, and any interested person who submitted
13 necessary information or a brief to the attorney general under this
14 subsection. The requesting municipal officer or the municipal
15 governmental body may appeal a decision of the attorney general
16 under this subsection to a district court in a county in which the
17 municipality is located. A person may appeal a decision of the
18 attorney general under this subsection to a district court in a
19 county in which the municipality is located if the person claims a
20 proprietary interest in the information affected by the decision or
21 a privacy interest in the information that a confidentiality law or
22 judicial decision is designed to protect.

23 (g) This section does not affect:

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

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

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

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

5 SECTION 2. Section 51.004, Local Government Code, as added
6 by this Act, applies only to a request for information by a
7 municipal officer that is made on or after the effective date of
8 this Act. A request for information made before the effective date
9 of this Act is governed by the applicable law in effect immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

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