

1-1 By: Taylor of Collin S.B. No. 336
 1-2 (In the Senate - Filed January 23, 2015; February 2, 2015,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 April 9, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 1; April 9, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 336 By: Huffines

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the right of municipal officers to obtain information,
 1-22 documents, and records.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 51, Local Government Code,
 1-25 is amended by adding Section 51.004 to read as follows:

1-26 Sec. 51.004. SPECIAL RIGHT OF ACCESS TO INFORMATION BY
 1-27 MUNICIPAL OFFICERS. (a) In this section:

1-28 (1) "Municipal governmental body":

1-29 (A) means:

1-30 (i) the governing body of a municipality;

1-31 (ii) a deliberative body that has
 1-32 rulemaking or quasi-judicial power and that is classified as a
 1-33 department, agency, or political subdivision of a municipality; or

1-34 (iii) the part, section, or portion of a
 1-35 municipality described by Section 552.003(1)(A)(xii), Government
 1-36 Code, that is a governmental body for purposes of Chapter 552,
 1-37 Government Code; and

1-38 (B) does not include:

1-39 (i) the judiciary; or

1-40 (ii) a private entity that spends or is
 1-41 supported wholly or partly by public funds.

1-42 (2) "Municipal officer" means:

1-43 (A) an elected or appointed officer who
 1-44 supervises, manages, or controls a municipal governmental body; or

1-45 (B) a member of a board, a commission, a
 1-46 committee, or another body consisting of more than one individual
 1-47 elected or appointed to supervise, manage, or control a municipal
 1-48 governmental body.

1-49 (3) "Public information" has the meaning assigned by
 1-50 Section 552.002, Government Code.

1-51 (b) A municipal officer has a right of access to information
 1-52 that is for purposes of Chapter 552, Government Code, public
 1-53 information of the municipal governmental body that the municipal
 1-54 officer oversees.

1-55 (c) A municipal governmental body on request by a municipal
 1-56 officer who oversees the governmental body shall provide public
 1-57 information, including confidential information or information
 1-58 otherwise excepted from disclosure, to the municipal officer in
 1-59 accordance with Chapter 552, Government Code.

1-60 (d) A municipal governmental body, by providing public

2-1 information under this section that is confidential or otherwise
 2-2 excepted from required disclosure under law, does not waive or
 2-3 affect the confidentiality of the information for purposes of state
 2-4 or federal law or waive the right of the municipal governmental body
 2-5 to assert exceptions to required disclosure of the information in
 2-6 the future. The municipal governmental body may require the
 2-7 requesting municipal officer or a designated employee of the
 2-8 requesting municipal officer who will view or handle information
 2-9 that is received under this section and that is confidential under
 2-10 law or otherwise excepted from disclosure to sign a confidentiality
 2-11 agreement that covers the information and requires that:

2-12 (1) the information not be disclosed outside the
 2-13 office of the requesting municipal officer, or within that office
 2-14 for purposes other than the purpose for which it was received;

2-15 (2) the information be labeled as confidential;

2-16 (3) the information be kept securely; or

2-17 (4) the number of copies made of the information or the
 2-18 notes taken from the information that implicate the confidential
 2-19 nature of the information be controlled, with all copies or notes
 2-20 that are not destroyed or returned to the municipal governmental
 2-21 body remaining confidential and subject to the confidentiality
 2-22 agreement.

2-23 (e) An individual required by a municipal governmental body
 2-24 to sign a confidentiality agreement under Subsection (d) may seek a
 2-25 decision as provided by Subsection (f) about whether the
 2-26 information covered by the confidentiality agreement is
 2-27 confidential under law or otherwise excepted from disclosure. A
 2-28 confidentiality agreement signed under Subsection (d) is void to
 2-29 the extent that the agreement covers information that is finally
 2-30 determined under Subsection (f) to not be confidential under law or
 2-31 otherwise excepted from disclosure.

2-32 (f) A municipal officer may seek a decision from the
 2-33 attorney general about whether the information covered by the
 2-34 confidentiality agreement is confidential under law or otherwise
 2-35 excepted from disclosure. The attorney general by rule shall
 2-36 establish procedures and deadlines for receiving information
 2-37 necessary to determine whether the information covered by the
 2-38 confidentiality agreement is confidential under law or otherwise
 2-39 excepted from disclosure and for receiving briefs from the
 2-40 requesting municipal officer, the municipal governmental body, and
 2-41 any other interested person. The attorney general shall promptly
 2-42 render a decision requested under this subsection, determining
 2-43 whether the information covered by the confidentiality agreement is
 2-44 confidential under law or otherwise excepted from disclosure, not
 2-45 later than the 45th business day after the date the attorney general
 2-46 receives the request for a decision under this subsection. If the
 2-47 attorney general is unable to issue the decision within the 45-day
 2-48 period, the attorney general may extend the period for issuing the
 2-49 decision by an additional 10 business days by informing the
 2-50 municipal governmental body and the requesting municipal officer,
 2-51 during the original 45-day period, of the reason for the delay. The
 2-52 attorney general shall issue a written decision and provide a copy
 2-53 of the decision to the requesting municipal officer, the municipal
 2-54 governmental body, and any interested person who submitted
 2-55 necessary information or a brief to the attorney general under this
 2-56 subsection. The requesting municipal officer or the municipal
 2-57 governmental body may appeal a decision of the attorney general
 2-58 under this subsection to a district court in a county in which the
 2-59 municipality is located. A person may appeal a decision of the
 2-60 attorney general under this subsection to a district court in a
 2-61 county in which the municipality is located if the person claims a
 2-62 proprietary interest in the information affected by the decision or
 2-63 a privacy interest in the information that a confidentiality law or
 2-64 judicial decision is designed to protect.

2-65 (g) This section does not affect:

2-66 (1) the right of a municipal officer to obtain
 2-67 information from the municipal governmental body under other law;

2-68 (2) the procedures under which the information is
 2-69 obtained under other law; or

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

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

3-5 SECTION 2. Section 51.004, Local Government Code, as added
3-6 by this Act, applies only to a request for information by a
3-7 municipal officer that is made on or after the effective date of
3-8 this Act. A request for information made before the effective date
3-9 of this Act is governed by the applicable law in effect immediately
3-10 before the effective date of this Act, and that law is continued in
3-11 effect for that purpose.

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

3-17

* * * * *