

1-1 By: Taylor of Collin S.B. No. 337
 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 9, Nays 0; 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. 337 By: Seliger

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

1-21 relating to the right of directors of special districts to obtain
 1-22 district information, documents, and records.

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

1-24 SECTION 1. Chapter 201, Local Government Code, is amended
 1-25 by adding Section 201.010 to read as follows:

1-26 Sec. 201.010. SPECIAL RIGHT OF ACCESS TO DISTRICT
 1-27 INFORMATION BY DISTRICT DIRECTOR. (a) In this section:

1-28 (1) "Board" means the governing body of a special
 1-29 district.

1-30 (2) "Director" means a board member.

1-31 (3) "Public information" has the meaning assigned by
 1-32 Section 552.002, Government Code.

1-33 (4) "Special district" means a political subdivision
 1-34 of this state that has a limited geographic area and is created by
 1-35 local law or under general law for a special purpose. The term does
 1-36 not include a school district or hospital district.

1-37 (b) A director of a special district has a right of access to
 1-38 information that is public information of the district.

1-39 (c) A special district on request by a director of the
 1-40 district shall provide public information, including confidential
 1-41 information or information otherwise excepted from disclosure, to
 1-42 the director in accordance with Chapter 552, Government Code.

1-43 (d) A special district, by providing public information to a
 1-44 director under this section that is confidential or otherwise
 1-45 excepted from required disclosure under law, does not waive or
 1-46 affect the confidentiality of the information for purposes of state
 1-47 or federal law or waive the right of the district to assert
 1-48 exceptions to required disclosure of the information in the future.
 1-49 The district may require the requesting director or a designated
 1-50 district employee of the requesting director who will view or
 1-51 handle information that is received under this section and that is
 1-52 confidential under law or otherwise excepted from disclosure to
 1-53 sign a confidentiality agreement that covers the information and
 1-54 requires that:

1-55 (1) the information not be disclosed outside the
 1-56 office of the requesting director or within that office for
 1-57 purposes other than the purpose for which it was received;

1-58 (2) the information be labeled as confidential;

1-59 (3) the information be kept securely; or

1-60 (4) the number of copies made of the information or the

2-1 notes taken from the information that implicate the confidential
 2-2 nature of the information be controlled, with all copies or notes
 2-3 that are not destroyed or returned to the district remaining
 2-4 confidential and subject to the confidentiality agreement.

2-5 (e) If a director or a designated district employee is
 2-6 required by a special district to sign a confidentiality agreement
 2-7 under Subsection (d), the director may seek a decision as provided
 2-8 by Subsection (f) about whether the information covered by the
 2-9 confidentiality agreement is confidential under law or otherwise
 2-10 excepted from disclosure. A confidentiality agreement signed under
 2-11 Subsection (d) is void to the extent that the agreement covers
 2-12 information that is finally determined under Subsection (f) to not
 2-13 be confidential under law or otherwise excepted from disclosure.

2-14 (f) A director may seek a decision from the attorney general
 2-15 about whether the information covered by the confidentiality
 2-16 agreement is confidential under law or otherwise excepted from
 2-17 disclosure. The attorney general by rule shall establish
 2-18 procedures and deadlines for receiving information necessary to
 2-19 determine whether the information covered by the confidentiality
 2-20 agreement is confidential under law or otherwise excepted from
 2-21 disclosure and for receiving briefs from the requesting director,
 2-22 the special district, and any other interested person. The
 2-23 attorney general shall render the decision not later than the 45th
 2-24 business day after the date the attorney general receives the
 2-25 request for a decision. If the attorney general is unable to issue
 2-26 the decision within the 45-day period, the attorney general may
 2-27 during that 45-day period extend the period for issuing the
 2-28 decision by an additional 10 business days by informing the
 2-29 director, the special district, and any interested person who
 2-30 submitted necessary information or a brief to the attorney general
 2-31 of the reason for the delay. The attorney general shall issue a
 2-32 written decision and provide a copy of the decision to the
 2-33 requesting director, the special district, and any interested
 2-34 person who submitted necessary information or a brief to the
 2-35 attorney general under this subsection. The requesting director or
 2-36 the special district may appeal a decision of the attorney general
 2-37 under this subsection to a district court. A person may appeal a
 2-38 decision of the attorney general under this subsection to a
 2-39 district court if the person claims a proprietary interest in the
 2-40 information affected by the decision or a privacy interest in the
 2-41 information that a confidentiality law or judicial decision is
 2-42 designed to protect.

2-43 (g) This section does not affect:

2-44 (1) the right of a director of a special district to
 2-45 obtain information from the district under other law;

2-46 (2) the procedures under which the information is
 2-47 obtained under other law; or

2-48 (3) the use that may be made of the information
 2-49 obtained under other law.

2-50 (h) This section does not grant authority to a special
 2-51 district to withhold information from a director of the district.

2-52 SECTION 2. Section 201.010, Local Government Code, as added
 2-53 by this Act, applies only to a request for information by a director
 2-54 of a special district that is made on or after the effective date of
 2-55 this Act. A request for information made before the effective date
 2-56 of this Act is governed by the applicable law in effect immediately
 2-57 before the effective date of this Act, and that law is continued in
 2-58 effect for that purpose.

2-59 SECTION 3. This Act takes effect immediately if it receives
 2-60 a vote of two-thirds of all the members elected to each house, as
 2-61 provided by Section 39, Article III, Texas Constitution. If this
 2-62 Act does not receive the vote necessary for immediate effect, this
 2-63 Act takes effect September 1, 2015.

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