

By: Paddie

H.B. No. 4144

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the public information law.

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

SECTION 1. Section 552.003(6), Government Code, is amended to read as follows:

(6) "Requestor" means a person who:

(A) submits a request to a governmental body for inspection or copies of public information; or

(B) submits a request to an organization, corporation, commission, committee, institution, or agency for inspection or copies of information with a written assertion that the entity is a governmental body.

SECTION 2. Section 552.301, Government Code, is amended by adding Subsection (h) to read as follows:

(h) An organization, corporation, commission, committee, institution, or agency that asserts that it is not a governmental body and that receives a written request for information from a requestor under this chapter must ask for a decision from the attorney general about whether the entity is a governmental body if there has not been a previous determination on that question. The provisions of this subchapter that govern a request for a decision made under Subsection (a) apply to a request for a decision made under this subsection to the extent those provisions are applicable to the request made under this subsection. If the attorney general

1 determines that the entity is a governmental body, the written
2 request from the requestor is considered received by the entity for
3 purposes of this chapter on the date the decision is rendered under
4 Section 552.306. The attorney general may adopt rules necessary to
5 implement this subsection.

6 SECTION 3. Section 552.306(a), Government Code, is amended
7 to read as follows:

8 (a) Except as provided by Section 552.011, the attorney
9 general shall promptly render a decision requested under this
10 subchapter, consistent with the standards of due process,
11 determining whether the requested information is within one of the
12 exceptions of Subchapter C or, if applicable, whether the entity
13 requesting the decision under Section 552.301(h) is a governmental
14 body. The attorney general shall render the decision not later than
15 the 45th business day after the date the attorney general received
16 the request for a decision. If the attorney general is unable to
17 issue the decision within the 45-day period, the attorney general
18 may extend the period for issuing the decision by an additional 10
19 business days by informing the governmental body or entity
20 described by Section 552.301(h), as applicable, and the requestor,
21 during the original 45-day period, of the reason for the delay.

22 SECTION 4. Section 552.324, Government Code, is amended to
23 read as follows:

24 Sec. 552.324. SUIT BY GOVERNMENTAL BODY OR CERTAIN OTHER
25 ENTITIES. (a) The only suit a governmental body may file seeking
26 to withhold information from a requestor or that an entity
27 described by Section 552.301(h) may file regarding a request

1 received from a requestor is a suit that:

2 (1) is filed in a Travis County district court against
3 the attorney general in accordance with Section 552.325; and

4 (2) seeks declaratory relief from compliance with a
5 decision by the attorney general issued under Subchapter G.

6 (b) The governmental body or entity described by Section
7 552.301(h) must bring the suit not later than the 30th calendar day
8 after the date the governmental body or entity receives the
9 decision of the attorney general under Section 552.306 [~~determining~~
10 ~~that the requested information must be disclosed to the requestor~~].

11 If the governmental body or entity does not bring suit within that
12 period, the governmental body or entity shall comply with the
13 decision of the attorney general. If a governmental body wishes to
14 preserve an affirmative defense for its officer for public
15 information as provided in Section 552.353(b)(3), suit must be
16 filed within the deadline provided in Section 552.353(b)(3).

17 SECTION 5. Section 552.325(a), Government Code, is amended
18 to read as follows:

19 (a) A governmental body, officer for public information, or
20 other person or entity that files a suit seeking to withhold
21 information from a requestor may not file suit against the person
22 requesting the information. An entity described by Section
23 552.301(h) that files a suit seeking to withhold information on the
24 basis that it is not a governmental body or seeking to establish
25 that it is not a governmental body may not file suit against the
26 person requesting the information. The requestor is entitled to
27 intervene in the suit.

1 SECTION 6. The change in law made by this Act applies only
2 to a request for public information received on or after the
3 effective date of this Act. A request for public information
4 received before the effective date of this Act is governed by the
5 law in effect when the request was received, and the former law is
6 continued in effect for that purpose.

7 SECTION 7. This Act takes effect September 1, 2017.