

By: Hernandez

H.B. No. 3015

A BILL TO BE ENTITLED

AN ACT

relating to the public information law.

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

SECTION 1. Section 552.221, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If the governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received.

(g) If a governmental body determines the requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received:

(1) notify the requestor in writing that the information is being withheld; and

(2) identify in the notice the specific previous determination the governmental body is relying on to withhold the requested information.

SECTION 2. Section 552.261, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A governmental body may not impose a charge under this subchapter for providing a copy of public information if the

1 information is a report required to be filed with the governmental  
2 body under Subchapter C or D, Chapter 254, Election Code, unless all  
3 of those reports filed with the governmental body during the  
4 preceding year are available to the public on the governmental  
5 body's Internet website.

6 SECTION 3. Section 552.264, Government Code, is amended to  
7 read as follows:

8 Sec. 552.264. COPY OF PUBLIC INFORMATION REQUESTED BY  
9 MEMBER OF LEGISLATURE. One copy of public information that is  
10 requested from a political subdivision or a state agency by a  
11 member, agency, or committee of the legislature under Section  
12 552.008 shall be provided without charge.

13 SECTION 4. Section 552.301(b), Government Code, is amended  
14 to read as follows:

15 (b) The governmental body must ask for the attorney  
16 general's decision and state the specific exceptions that apply  
17 within a reasonable time but not later than the 10th business day  
18 after the date of receiving the written request.

19 SECTION 5. The heading to Subchapter H, Chapter 552,  
20 Government Code, is amended to read as follows:

21 SUBCHAPTER H. CIVIL ENFORCEMENT; COMPLAINT

22 SECTION 6. Subchapter H, Chapter 552, Government Code, is  
23 amended by adding Section 552.328 to read as follows:

24 Sec. 552.328. FAILURE TO RESPOND TO REQUESTOR. (a) If a  
25 governmental body fails to respond to a requestor as required by  
26 Section 552.221, the requestor may send a written complaint to the  
27 attorney general.

1        (b) The complaint must include:

2            (1) the original request for information; and

3            (2) any correspondence received from the governmental  
4 body in response to the request.

5        (c) If the attorney general determines the governmental  
6 body improperly failed to comply with Section 552.221 in connection  
7 with a request for which a complaint is made under this section:

8            (1) the attorney general shall notify the governmental  
9 body in writing and require the governmental body to complete open  
10 records training not later than six months after receiving the  
11 notification;

12            (2) the governmental body may not assess costs to the  
13 requestor for producing information in response to the request; and

14            (3) if the governmental body seeks to withhold  
15 information in response to the request, the governmental body must:

16            (A) request an attorney general decision under  
17 Section 552.301 not later than the fifth business day after the date  
18 the governmental body receives the notification under Subdivision  
19 (1); and

20            (B) release the requested information unless  
21 there is a compelling reason to withhold the information.

22        SECTION 7. The changes in law made by this Act apply only to  
23 a request for information that is received by a governmental body or  
24 an officer for public information on or after the effective date of  
25 this Act.

26        SECTION 8. (a) Except as provided by Subsection (b) of this  
27 section, this Act takes effect September 1, 2021.

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1           (b) Section [552.261\(f\)](#), Government Code, as added by this  
2 Act, takes effect January 1, 2022.