

By: Bettencourt

S.B. No. 1491

A BILL TO BE ENTITLED

AN ACT

relating to the electronic submission of requests for attorney general decisions under the public information law; authorizing a fee.

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

SECTION 1. Subchapter G, Chapter 552, Government Code, is amended by adding Section 552.3031 to read as follows:

Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR ATTORNEY GENERAL DECISION. (a) This section does not apply to a request for an attorney general decision made under this subchapter if:

(1) the governmental body requesting the decision:

(A) has fewer than 16 full-time employees; or

(B) is located in a county with a population of less than 250,000; or

(2) the amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible.

(b) A governmental body that requests an attorney general decision under this subchapter must submit the request through the attorney general's designated electronic filing system.

(c) The attorney general may charge a fee for a request described by Subsection (a)(2) that is submitted in a manner other than the manner described by Subsection (b).

1 (d) The attorney general may adopt rules necessary to
2 implement this section, including rules that define the amount or
3 type of formatting of information described by Subsection (a)(2)
4 that makes use of the electronic filing system impractical or
5 impossible.

6 SECTION 2. Section 552.308, Government Code, is amended to
7 read as follows:

8 Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL,
9 INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as
10 provided by Section 552.3031, when [~~when~~] this subchapter requires
11 a request, notice, or other document to be submitted or otherwise
12 given to a person within a specified period, the requirement is met
13 in a timely fashion if the document is sent to the person by first
14 class United States mail or common or contract carrier properly
15 addressed with postage or handling charges prepaid and:

16 (1) it bears a post office cancellation mark or a
17 receipt mark of a common or contract carrier indicating a time
18 within that period; or

19 (2) the person required to submit or otherwise give
20 the document furnishes satisfactory proof that it was deposited in
21 the mail or with a common or contract carrier within that period.

22 (b) Except as provided by Section 552.3031, when [~~when~~] this
23 subchapter requires an agency of this state to submit or otherwise
24 give to the attorney general within a specified period a request,
25 notice, or other writing, the requirement is met in a timely fashion
26 if:

27 (1) the request, notice, or other writing is sent to

1 the attorney general by interagency mail; and

2 (2) the agency provides evidence sufficient to
3 establish that the request, notice, or other writing was deposited
4 in the interagency mail within that period.

5 SECTION 3. The changes in law made by this Act apply only to
6 a request for public information received by a governmental body or
7 officer for public information on or after the effective date of
8 this Act.

9 SECTION 4. This Act takes effect September 1, 2021.