

Amend CSHB 3033 (senate committee report) as follows:

(1) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, lines 15 and 16), strike "In an action brought against a governmental body for failure to comply with Subsection (c), the" and substitute "A".

(2) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, line 17), between "requirements of" and "if", strike "that subsection" and substitute "Subsection (c)".

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.163 to read as follows:

Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section, "attorney general settlement communication" means documentary materials or information collected, assembled, drafted, developed, used, received, or maintained by or on behalf of the attorney general with respect to an investigation or litigation conducted under Subchapter E, Chapter 17, Business & Commerce Code, and that reflects or is regarding negotiations made for the purpose of achieving a resolution of a matter without the need for continuing with litigation or trial.

(b) An attorney general settlement communication is privileged and not subject to disclosure under this chapter from the date the attorney general's investigation begins, as indicated in the attorney general's case management records, until the earlier of:

(1) the 90th day after the date settlement discussions are terminated; or

(2) the earliest of the date:

(A) the case is reported closed in the attorney general's case management records;

(B) the final judgment, assurance of voluntary compliance, or other settlement agreement is entered by the court, and the period for filing a notice of appeal has passed;

(C) the settlement documents are executed by all parties, if the documents are not filed in court;

(D) the order of dismissal or nonsuit disposing of all parties is entered by the court; or

(E) all appeals are finalized.

(c) For the purpose of this section, a settlement communication does not include a document attached to or referenced in a delivered settlement proposal that is subject to disclosure under this chapter.