88R4235 MCK-F

By:  Canales H.B. No. 2135

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.  Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0031 to read as follows:

Sec. 552.0031.  BUSINESS DAYS. (a) Except as provided by this section, in this chapter "business day" means a day other than:

(1)  a Saturday or Sunday;

(2)  a national holiday under Section 662.003(a); or

(3)  a state holiday under Section 662.003(b).

(b)  The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this chapter.

(c)  An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

(d)  A holiday established by the governing body of an institution of higher education under Section 662.011(a) is not a business day of the institution of higher education.

(e)  The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(f)  Subject to the requirements of this subsection, a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for an independent school district must be made by the board of trustees. The designation of a nonbusiness day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 nonbusiness days under this subsection each calendar year. A governmental body shall make a good faith effort to post advance notice of the nonbusiness days designated under this subsection on the governmental body's Internet website.

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

SECTION 3.  Section 552.301(b), Government Code, is amended to read as follows:

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

SECTION 4.  The heading to Subchapter H, Chapter 552, Government Code, is amended to read as follows:

SUBCHAPTER H. CIVIL ENFORCEMENT; COMPLAINT

SECTION 5.  Subchapter H, Chapter 552, Government Code, is amended by adding Section 552.328 to read as follows:

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

(b)  The complaint must include:

(1)  the original request for information; and

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

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

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

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

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

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

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

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

SECTION 7.  This Act takes effect September 1, 2023.