

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

1 governmental body may designate a day on which the governmental  
2 body's administrative offices are closed or operating with minimum  
3 staffing as a nonbusiness day. The designation of a nonbusiness day  
4 for an independent school district must be made by the board of  
5 trustees. The designation of a nonbusiness day for a governmental  
6 body other than an independent school district must be made by the  
7 executive director or other chief administrative officer. A  
8 governmental body may designate not more than 10 nonbusiness days  
9 under this subsection each calendar year. A governmental body  
10 shall make a good faith effort to post advance notice of the  
11 nonbusiness days designated under this subsection on the  
12 governmental body's Internet website.

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

15 (f) A governmental body may not impose a charge under this  
16 subchapter for providing a copy of public information if the  
17 information is a report required to be filed with the governmental  
18 body under Subchapter C or D, Chapter 254, Election Code, unless all  
19 of those reports filed with the governmental body during the  
20 preceding year are available to the public on the governmental  
21 body's Internet website.

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

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

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

3 SUBCHAPTER H. CIVIL ENFORCEMENT; COMPLAINT

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

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

10 (b) The complaint must include:

11 (1) the original request for information; and

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

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

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

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

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

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

1 (1); and

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

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

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