

By: Landgraf

H.B. No. 3033

Substitute the following for H.B. No. 3033:

By: Smithee

C.S.H.B. No. 3033

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 552.012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The attorney general may require each public official of a governmental body to complete the course of training if the attorney general determines that the governmental body has failed to comply with a requirement of this chapter. The attorney general must notify each public official in writing of the attorney general's determination and the requirement to complete the training. A public official who receives notice from the attorney general under this subsection must complete the training not later than the 60th day after the date the official receives the notice.

SECTION 2. Section 552.108(c), Government Code, is amended to read as follows:

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime. A governmental body shall promptly release basic information responsive to a request made under this chapter unless the governmental body seeks to withhold the information as provided by another provision of this chapter, and regardless of whether the governmental body requests an attorney general decision under Subchapter G regarding other

1 information subject to the request.

2 SECTION 3. Subchapter G, Chapter 552, Government Code, is
3 amended by adding Section 552.3031 to read as follows:

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

8 (1) the governmental body requesting the decision:

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

10 (B) is located in a county with a population of
11 less than 150,000; or

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

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

18 (c) The attorney general may adopt rules necessary to
19 implement this section, including rules that define the amount or
20 type of formatting of information described by Subsection (a)(2)
21 that makes use of the electronic filing system impractical or
22 impossible.

23 SECTION 4. Section 552.306, Government Code, is amended by
24 amending Subsection (a) and adding Subsection (c) to read as
25 follows:

26 (a) Except as provided by Section 552.011, the attorney
27 general shall promptly render a decision requested under this

1 subchapter, consistent with the standards of due process,
2 determining whether the requested information is within one of the
3 exceptions of Subchapter C. The attorney general shall render the
4 decision not later than the 45th business day after the date the
5 attorney general received the request for a decision. [~~If the
6 attorney general is unable to issue the decision within the 45-day
7 period, the attorney general may extend the period for issuing the
8 decision by an additional 10 business days by informing the
9 governmental body and the requestor, during the original 45-day
10 period, of the reason for the delay.~~]

11 (c) A governmental body shall as soon as practicable but not
12 later than the 30th day after the date the attorney general issues
13 an opinion under Subsection (b) regarding information requested
14 under this chapter:

15 (1) provide the requestor of the information an
16 itemized estimate of charges for production of the information if
17 the estimate is required by Section 552.2615;

18 (2) produce the information if it is required to be
19 produced;

20 (3) notify the requestor in writing that the
21 governmental body is withholding the information as authorized by
22 the opinion; or

23 (4) notify the requestor in writing that the
24 governmental body has filed suit against the attorney general under
25 Section 552.324 regarding the information.

26 SECTION 5. Section 552.308, Government Code, is amended to
27 read as follows:

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

9 (1) it bears a post office cancellation mark or a
10 receipt mark of a common or contract carrier indicating a time
11 within that period; or

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

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

20 (1) the request, notice, or other writing is sent to
21 the attorney general by interagency mail; and

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

25 SECTION 6. Subchapter G, Chapter 552, Government Code, is
26 amended by adding Section 552.310 to read as follows:

27 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the

1 attorney general shall make available on the office's Internet
2 website an easily accessible and searchable database consisting of:

3 (1) each request for an attorney general decision made
4 under this subchapter; and

5 (2) the attorney general's opinion issued for the
6 request.

7 (b) The database at a minimum must allow a person to search
8 for a request or opinion described by Subsection (a) by:

9 (1) the name of the governmental body making the
10 request; and

11 (2) the exception under Subchapter C that a
12 governmental body asserts in the request applies to its request to
13 withhold information from public disclosure.

14 (c) The database must allow a person to view the current
15 status of a request described by Subsection (a)(1) and an estimated
16 timeline indicating the date each stage of review of the request
17 will be started and completed.

18 SECTION 7. Section 552.3031, Government Code, as added by
19 this Act, and Section 552.306, Government Code, as amended by this
20 Act, apply to a request for an attorney general decision made under
21 Subchapter G, Chapter 552, of that code on or after the effective
22 date of this Act. A request for an attorney general decision made
23 before the effective date of this Act is governed by the law in
24 effect on the date the request was made, and the former law is
25 continued in effect for that purpose.

26 SECTION 8. As soon as practicable, but not later than
27 January 1, 2024, the office of the attorney general shall make the

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1 database required by Section 552.310, Government Code, as added by
2 this Act, available on the office's Internet website.

3 SECTION 9. This Act takes effect September 1, 2023.