

1-1 By: Landgraf, Cain (Senate Sponsor - Zaffirini) H.B. No. 3033
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;
 1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |
| 1-19 | | | X | |

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 3033 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the public information law.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Subchapter A, Chapter 552, Government Code, is
 1-26 amended by adding Section 552.0031 to read as follows:
 1-27 Sec. 552.0031. BUSINESS DAYS. (a) Except as provided by
 1-28 this section, in this chapter "business day" means a day other than:
 1-29 (1) a Saturday or Sunday;
 1-30 (2) a national holiday under Section 662.003(a); or
 1-31 (3) a state holiday under Section 662.003(b).
 1-32 (b) The fact that an employee works from an alternative work
 1-33 site does not affect whether a day is considered a business day
 1-34 under this chapter.
 1-35 (c) An optional holiday under Section 662.003(c) is not a
 1-36 business day of a governmental body if the officer for public
 1-37 information of the governmental body observes the optional holiday.
 1-38 (d) A holiday established by the governing body of an
 1-39 institution of higher education under Section 662.011(a) is not a
 1-40 business day of the institution of higher education.
 1-41 (e) The Friday before or Monday after a holiday described by
 1-42 Subsection (a)(2) or (3) is not a business day of a governmental
 1-43 body if the holiday occurs on a Saturday or Sunday and the
 1-44 governmental body observes the holiday on that Friday or Monday.
 1-45 (f) Subject to the requirements of this subsection, a
 1-46 governmental body may designate a day on which the governmental
 1-47 body's administrative offices are closed or operating with minimum
 1-48 staffing as a nonbusiness day. The designation of a nonbusiness day
 1-49 for an independent school district must be made by the board of
 1-50 trustees. The designation of a nonbusiness day for a governmental
 1-51 body other than an independent school district must be made by the
 1-52 executive director or other chief administrative officer. A
 1-53 governmental body may designate not more than 10 nonbusiness days
 1-54 under this subsection each calendar year.
 1-55 SECTION 2. Section 552.012, Government Code, is amended by
 1-56 adding Subsection (b-1) to read as follows:
 1-57 (b-1) The attorney general may require each public official
 1-58 of a governmental body to complete the course of training if the
 1-59 attorney general determines that the governmental body has failed
 1-60 to comply with a requirement of this chapter. The attorney general

2-1 must notify each public official in writing of the attorney
2-2 general's determination and the requirement to complete the
2-3 training. A public official who receives notice from the attorney
2-4 general under this subsection must complete the training not later
2-5 than the 60th day after the date the official receives the notice.

2-6 SECTION 3. Section 552.108(c), Government Code, is amended
2-7 to read as follows:

2-8 (c) This section does not except from the requirements of
2-9 Section 552.021 information that is basic information about an
2-10 arrested person, an arrest, or a crime. A governmental body shall
2-11 promptly release basic information responsive to a request made
2-12 under this chapter unless the governmental body seeks to withhold
2-13 the information as provided by another provision of this chapter,
2-14 and regardless of whether the governmental body requests an
2-15 attorney general decision under Subchapter G regarding other
2-16 information subject to the request.

2-17 SECTION 4. Section 552.271, Government Code, is amended by
2-18 adding Subsection (e) to read as follows:

2-19 (e) A requestor who has exceeded a limit established by a
2-20 governmental body under Section 552.275 may not inspect public
2-21 information on behalf of another requestor unless the requestor who
2-22 exceeded the limit has paid each statement issued by the
2-23 governmental body under Section 552.275(e).

2-24 SECTION 5. Section 552.272, Government Code, is amended by
2-25 adding Subsection (f) to read as follows:

2-26 (f) A requestor who has exceeded a limit established by a
2-27 governmental body under Section 552.275 may not inspect public
2-28 information on behalf of another requestor unless the requestor who
2-29 exceeded the limit has paid each statement issued by the
2-30 governmental body under Section 552.275(e).

2-31 SECTION 6. Section 552.275, Government Code, is amended by
2-32 amending Subsections (d), (g), and (h) and adding Subsections (n)
2-33 and (o) to read as follows:

2-34 (d) If a governmental body establishes a time limit under
2-35 Subsection (a), each time the governmental body complies with a
2-36 request for public information, the governmental body shall provide
2-37 the requestor with a written statement of the amount of personnel
2-38 time spent complying with that request and the cumulative amount of
2-39 time spent complying with requests for public information from that
2-40 requestor during the applicable monthly or yearly period. The
2-41 amount of time spent preparing the written statement may not be
2-42 included in the amount of time included in the statement provided to
2-43 the requestor under this subsection unless the requestor's time
2-44 limit for the period has been exceeded.

2-45 (g) If a governmental body provides a requestor with a [the]
2-46 written statement under Subsection (e) or (o) and the time limits
2-47 prescribed by Subsection (a) regarding the requestor have been
2-48 exceeded, the governmental body is not required to produce public
2-49 information for inspection or duplication or to provide copies of
2-50 public information in response to the requestor's request unless on
2-51 or before the 10th day after the date the governmental body provided
2-52 the written statement under that subsection, the requestor submits
2-53 payment of the amount stated in the written statement provided
2-54 under Subsection (e) or provides identification or submits payment
2-55 as required by Subsection (o), as applicable.

2-56 (h) If the requestor fails or refuses to provide
2-57 identification or submit payment under Subsection (g), the
2-58 requestor is considered to have withdrawn the requestor's pending
2-59 request for public information.

2-60 (n) A governmental body may request photo identification
2-61 from a requestor for the sole purpose of establishing that the
2-62 requestor has not:

2-63 (1) exceeded a limit established by the governmental
2-64 body under Subsection (a); and

2-65 (2) concealed the requestor's identity.

2-66 (o) A request for photo identification under Subsection (n)
2-67 must include a statement under Subsection (e) applicable to the
2-68 requestor who has exceeded a limit established by the governmental
2-69 body and a statement that describes each specific reason why

3-1 Subsection (n) may apply to the requestor. The governmental body
3-2 shall accept as proof of a requestor's identification physical
3-3 presentment of photo identification or an image of the photo
3-4 identification that is transmitted electronically or through the
3-5 mail. A requestor from whom a governmental body has requested photo
3-6 identification under Subsection (n) may decline to provide
3-7 identification and obtain the requested information by paying the
3-8 charge assessed in the statement.

3-9 SECTION 7. Subchapter G, Chapter 552, Government Code, is
3-10 amended by adding Section 552.3031 to read as follows:

3-11 Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR
3-12 ATTORNEY GENERAL DECISION. (a) This section does not apply to a
3-13 request for an attorney general decision made under this subchapter
3-14 if:

3-15 (1) the governmental body requesting the decision:
3-16 (A) has fewer than 16 full-time employees; or
3-17 (B) is located in a county with a population of
3-18 less than 150,000;

3-19 (2) the amount or format of responsive information at
3-20 issue in a particular request makes use of the attorney general's
3-21 electronic filing system impractical or impossible; or

3-22 (3) the request is hand delivered to the office of the
3-23 attorney general.

3-24 (b) A governmental body that requests an attorney general
3-25 decision under this subchapter must submit the request through the
3-26 attorney general's designated electronic filing system.

3-27 (c) The attorney general may adopt rules necessary to
3-28 implement this section, including rules that define the amount or
3-29 type of formatting of information described by Subsection (a)(2)
3-30 that makes use of the electronic filing system impractical or
3-31 impossible.

3-32 SECTION 8. Section 552.306, Government Code, is amended by
3-33 adding Subsections (c) and (d) to read as follows:

3-34 (c) A governmental body shall as soon as practicable but
3-35 within a reasonable period of time after the date the attorney
3-36 general issues an opinion under Subsection (b) regarding
3-37 information requested under this chapter:

3-38 (1) provide the requestor of the information an
3-39 itemized estimate of charges for production of the information if
3-40 the estimate is required by Section 552.2615;

3-41 (2) if the requested information is voluminous:
3-42 (A) take the following actions if the
3-43 governmental body determines that it is able to disclose the
3-44 information in a single batch:

3-45 (i) provide a written certified notice to
3-46 the requestor and the attorney general that it is impractical or
3-47 impossible for the governmental body to produce the information
3-48 within a reasonable period of time;

3-49 (ii) include in the notice the date and hour
3-50 that the governmental body will disclose the information to the
3-51 requestor, which may not be later than the 15th business day after
3-52 the date the governmental body provides the notice; and

3-53 (iii) produce the information at the date
3-54 and time included in the notice; or

3-55 (B) take the following actions if the
3-56 governmental body determines that it is unable to disclose the
3-57 information in a single batch:

3-58 (i) provide a written certified notice to
3-59 the requestor and the attorney general that it is impractical or
3-60 impossible for the governmental body to produce the information
3-61 within a reasonable period of time and in a single batch;

3-62 (ii) include in the notice the date and hour
3-63 that the governmental body will disclose the first batch of
3-64 information to the requestor, which may not be later than the 15th
3-65 business day after the date the governmental body provides the
3-66 notice;

3-67 (iii) provide a written certified notice to
3-68 the requestor and the attorney general when each subsequent batch
3-69 of information is disclosed to the requestor of the date and hour

4-1 that the governmental body will disclose the next batch of
4-2 information to the requestor, which may not be later than the 15th
4-3 business day after the date the governmental body provides the
4-4 notice; and

4-5 (iv) produce the requested information at
4-6 each date and time included in a notice;

4-7 (3) produce the information if it is required to be
4-8 produced;

4-9 (4) notify the requestor in writing that the
4-10 governmental body is withholding the information as authorized by
4-11 the opinion; or

4-12 (5) notify the requestor in writing that the
4-13 governmental body has filed suit against the attorney general under
4-14 Section 552.324 regarding the information.

4-15 (d) In an action brought against a governmental body for
4-16 failure to comply with Subsection (c), the governmental body is
4-17 presumed to have complied with the requirements of that subsection
4-18 if the governmental body takes an action under that subsection
4-19 regarding information that is the subject of an opinion issued by
4-20 the attorney general not later than the 30th day after the date the
4-21 attorney general issues the opinion.

4-22 SECTION 9. Section 552.308, Government Code, is amended to
4-23 read as follows:

4-24 Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL,
4-25 INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as
4-26 provided by Section 552.3031, when ~~when~~ this subchapter requires
4-27 a request, notice, or other document to be submitted or otherwise
4-28 given to a person within a specified period, the requirement is met
4-29 in a timely fashion if the document is sent to the person by first
4-30 class United States mail or common or contract carrier properly
4-31 addressed with postage or handling charges prepaid and:

4-32 (1) it bears a post office cancellation mark or a
4-33 receipt mark of a common or contract carrier indicating a time
4-34 within that period; or

4-35 (2) the person required to submit or otherwise give
4-36 the document furnishes satisfactory proof that it was deposited in
4-37 the mail or with a common or contract carrier within that period.

4-38 (b) Except as provided by Section 552.3031, when ~~when~~ this
4-39 subchapter requires an agency of this state to submit or otherwise
4-40 give to the attorney general within a specified period a request,
4-41 notice, or other writing, the requirement is met in a timely fashion
4-42 if:

4-43 (1) the request, notice, or other writing is sent to
4-44 the attorney general by interagency mail; and

4-45 (2) the agency provides evidence sufficient to
4-46 establish that the request, notice, or other writing was deposited
4-47 in the interagency mail within that period.

4-48 SECTION 10. Subchapter G, Chapter 552, Government Code, is
4-49 amended by adding Section 552.310 to read as follows:

4-50 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the
4-51 attorney general shall make available on the office's Internet
4-52 website an easily accessible and searchable database consisting of:

4-53 (1) information identifying each request for an
4-54 attorney general decision made under this subchapter; and

4-55 (2) the attorney general's opinion issued for the
4-56 request.

4-57 (b) The database at a minimum must allow a person to search
4-58 for a request or opinion described by Subsection (a) by:

4-59 (1) the name of the governmental body making the
4-60 request; and

4-61 (2) the exception under Subchapter C that a
4-62 governmental body asserts in the request applies to its request to
4-63 withhold information from public disclosure.

4-64 (c) The database must allow a person to view the current
4-65 status of a request described by Subsection (a)(1) and an estimated
4-66 timeline indicating the date each stage of review of the request
4-67 will be started and completed.

4-68 SECTION 11. The changes in law made by this Act to Sections
4-69 552.271, 552.272, and 552.275, Government Code, apply only to a

5-1 request for information that is received by a governmental body or
5-2 an officer for public information on or after the effective date of
5-3 this Act. A request for information that was received before the
5-4 effective date of this Act is governed by the law in effect on the
5-5 date the request was received, and the former law is continued in
5-6 effect for that purpose.

5-7 SECTION 12. Section 552.3031, Government Code, as added by
5-8 this Act, and Section 552.306, Government Code, as amended by this
5-9 Act, apply to a request for an attorney general decision made under
5-10 Subchapter G, Chapter 552, of that code on or after the effective
5-11 date of this Act. A request for an attorney general decision made
5-12 before the effective date of this Act is governed by the law in
5-13 effect on the date the request was made, and the former law is
5-14 continued in effect for that purpose.

5-15 SECTION 13. As soon as practicable, but not later than
5-16 January 1, 2024, the office of the attorney general shall make the
5-17 database required by Section 552.310, Government Code, as added by
5-18 this Act, available on the office's Internet website.

5-19 SECTION 14. This Act takes effect September 1, 2023.

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