

By: Moody

H.B. No. 3167

Substitute the following for H.B. No. 3167:

By: Turner

C.S.H.B. No. 3167

A BILL TO BE ENTITLED

AN ACT

relating to requests made under the public information law that require a large amount of personnel time.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.271, Government Code, is amended by adding Subsection (e) to read as follows:

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

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

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

SECTION 3. Section 552.275, Government Code, is amended by amending Subsections (d), (g), and (h) and adding Subsections (n) and (o) to read as follows:

(d) If a governmental body establishes a time limit under Subsection (a), each time the governmental body complies with a request for public information, the governmental body shall provide

1 the requestor with a written statement of the amount of personnel  
2 time spent complying with that request and the cumulative amount of  
3 time spent complying with requests for public information from that  
4 requestor during the applicable monthly or yearly period. The  
5 amount of time spent preparing the written statement may not be  
6 included in the amount of time included in the statement provided to  
7 the requestor under this subsection unless the requestor's time  
8 limit for the period has been exceeded.

9 (g) If a governmental body provides a requestor with a [the]  
10 written statement under Subsection (e) or (o) and the time limits  
11 prescribed by Subsection (a) regarding the requestor have been  
12 exceeded, the governmental body is not required to produce public  
13 information for inspection or duplication or to provide copies of  
14 public information in response to the requestor's request unless on  
15 or before the 10th day after the date the governmental body provided  
16 the written statement under that subsection, the requestor submits  
17 payment of the amount stated in the written statement provided  
18 under Subsection (e) or provides identification or submits payment  
19 as required by Subsection (o), as applicable.

20 (h) If the requestor fails or refuses to provide  
21 identification or submit payment under Subsection (g), the  
22 requestor is considered to have withdrawn the requestor's pending  
23 request for public information.

24 (n) A governmental body may request photo identification  
25 from a requestor for the sole purpose of establishing that the  
26 requestor has not:

27 (1) exceeded a limit established by the governmental

1 body under Subsection (a); and

2 (2) concealed the requestor's identity.

3 (o) A request for photo identification under Subsection (n)  
4 must include a statement under Subsection (e) applicable to the  
5 requestor who has exceeded a limit established by the governmental  
6 body and a statement that describes each specific reason why  
7 Subsection (n) may apply to the requestor. The governmental body  
8 shall accept as proof of a requestor's identification physical  
9 presentment of photo identification or an image of the photo  
10 identification that is transmitted electronically or through the  
11 mail. A requestor from whom a governmental body has requested photo  
12 identification under Subsection (n) may decline to provide  
13 identification and obtain the requested information by paying the  
14 charge assessed in the statement.

15 SECTION 4. The changes in law made by this Act apply only to  
16 a request for information that is received by a governmental body or  
17 an officer for public information on or after the effective date of  
18 this Act. A request for information that was received before the  
19 effective date of this Act is governed by the law in effect on the  
20 date the request was received, and the former law is continued in  
21 effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2023.