

By: Schofield

H.B. No. 4292

A BILL TO BE ENTITLED

AN ACT

relating to the entitlement of persons not residing in this state to public information.

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

SECTION 1. Section 552.001(a), Government Code, is amended to read as follows:

(a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person whose primary residence is in this state is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people of this state, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people of this state insist on remaining informed so that they may retain control over the instruments they have created. The provisions of this chapter shall be liberally construed to implement this policy.

SECTION 2. Section 552.021, Government Code, is amended to read as follows:

Sec. 552.021. AVAILABILITY OF PUBLIC INFORMATION. Public information is available to any person whose primary residence is

1 in this state [~~the public~~] at a minimum during the normal business  
2 hours of the governmental body.

3 SECTION 3. Subchapter B, Chapter 552, Government Code, is  
4 amended by adding Section 552.030 to read as follows:

5 Sec. 552.030. REQUEST FOR INFORMATION FROM NONRESIDENT.

6 (a) If a governmental body receives a request for information from  
7 a person whose primary residence is not in this state, the  
8 governmental body may, but is not required to, respond to the  
9 request.

10 (b) A governmental body may ask a requestor to provide the  
11 physical address at which the requestor resides in order to  
12 establish the requestor's residency. If, not later than the 10th  
13 business day following the date the governmental body's request is  
14 sent to the requestor, the requestor fails to provide information  
15 establishing residency in this state, the governmental body may,  
16 for purposes of the request, treat the requestor as a person whose  
17 primary residence is not in this state.

18 SECTION 4. Section 552.221(a), Government Code, is amended  
19 to read as follows:

20 (a) An officer for public information of a governmental body  
21 shall promptly produce public information for inspection,  
22 duplication, or both on application by any person whose primary  
23 residence is in this state to the officer. In this subsection,  
24 "promptly" means as soon as possible under the circumstances, that  
25 is, within a reasonable time, without delay.

26 SECTION 5. Section 552.222(a), Government Code, is amended  
27 to read as follows:

1 (a) The officer for public information and the officer's  
2 agent may not make an inquiry of a requestor except:

3 (1) to establish proper identification;

4 (2) to confirm that the requestor's primary residence  
5 is in this state; or

6 (3) [except] as provided by Subsection (b), (c), or  
7 (c-1).

8 SECTION 6. Section [552.223](#), Government Code, is amended to  
9 read as follows:

10 Sec. 552.223. UNIFORM TREATMENT OF REQUESTS FOR  
11 INFORMATION. The officer for public information or the officer's  
12 agent shall treat all requests for information from persons to whom  
13 the officer is required to produce public information under Section  
14 [552.221\(a\)](#) uniformly without regard to the position or occupation  
15 of the requestor, the person on whose behalf the request is made, or  
16 the status of the individual as a member of the media.

17 SECTION 7. The changes in law made by this Act apply only to  
18 a request for public information received by a governmental body or  
19 officer for public information on or after the effective date of  
20 this Act.

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