

SENATE AMENDMENTS

2nd Printing

By: Landgraf, Cain

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

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

24 SECTION 3. Section 552.108(c), Government Code, is amended
25 to read as follows:

26 (c) This section does not except from the requirements of
27 Section 552.021 information that is basic information about an

1 arrested person, an arrest, or a crime. A governmental body shall
2 promptly release basic information responsive to a request made
3 under this chapter unless the governmental body seeks to withhold
4 the information as provided by another provision of this chapter,
5 and regardless of whether the governmental body requests an
6 attorney general decision under Subchapter G regarding other
7 information subject to the request.

8 SECTION 4. Section 552.271, Government Code, is amended by
9 adding Subsection (e) to read as follows:

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

15 SECTION 5. Section 552.272, Government Code, is amended by
16 adding Subsection (f) to read as follows:

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

22 SECTION 6. Section 552.275, Government Code, is amended by
23 amending Subsections (d), (g), and (h) and adding Subsections (n)
24 and (o) to read as follows:

25 (d) If a governmental body establishes a time limit under
26 Subsection (a), each time the governmental body complies with a
27 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 7. Subchapter G, Chapter 552, Government Code, is
16 amended by adding Section 552.3031 to read as follows:

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

21 (1) the governmental body requesting the decision:

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

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

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

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

4 (c) The attorney general may adopt rules necessary to
5 implement this section, including rules that define the amount or
6 type of formatting of information described by Subsection (a)(2)
7 that makes use of the electronic filing system impractical or
8 impossible.

9 SECTION 8. Section 552.306, Government Code, is amended by
10 amending Subsection (a) and adding Subsection (c) to read as
11 follows:

12 (a) Except as provided by Section 552.011, the attorney
13 general shall promptly render a decision requested under this
14 subchapter, consistent with the standards of due process,
15 determining whether the requested information is within one of the
16 exceptions of Subchapter C. The attorney general shall render the
17 decision not later than the 45th business day after the date the
18 attorney general received the request for a decision. [~~If the~~
19 ~~attorney general is unable to issue the decision within the 45-day~~
20 ~~period, the attorney general may extend the period for issuing the~~
21 ~~decision by an additional 10 business days by informing the~~
22 ~~governmental body and the requestor, during the original 45-day~~
23 ~~period, of the reason for the delay.]~~

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

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

4 (2) produce the information if it is required to be
5 produced;

6 (3) notify the requestor in writing that the
7 governmental body is withholding the information as authorized by
8 the opinion; or

9 (4) notify the requestor in writing that the
10 governmental body has filed suit against the attorney general under
11 Section 552.324 regarding the information.

12 SECTION 9. Section 552.308, Government Code, is amended to
13 read as follows:

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

22 (1) it bears a post office cancellation mark or a
23 receipt mark of a common or contract carrier indicating a time
24 within that period; or

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

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

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

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

11 SECTION 10. Subchapter G, Chapter 552, Government Code, is
12 amended by adding Section 552.310 to read as follows:

13 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the
14 attorney general shall make available on the office's Internet
15 website an easily accessible and searchable database consisting of:

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

18 (2) the attorney general's opinion issued for the
19 request.

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

22 (1) the name of the governmental body making the
23 request; and

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

27 (c) The database must allow a person to view the current

1 status of a request described by Subsection (a)(1) and an estimated
2 timeline indicating the date each stage of review of the request
3 will be started and completed.

4 SECTION 11. The changes in law made by this Act to Sections
5 552.271, 552.272, and 552.275, Government Code, apply only to a
6 request for information that is received by a governmental body or
7 an officer for public information on or after the effective date of
8 this Act. A request for information that was received before the
9 effective date of this Act is governed by the law in effect on the
10 date the request was received, and the former law is continued in
11 effect for that purpose.

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

20 SECTION 13. As soon as practicable, but not later than
21 January 1, 2024, the office of the attorney general shall make the
22 database required by Section 552.310, Government Code, as added by
23 this Act, available on the office's Internet website.

24 SECTION 14. This Act takes effect September 1, 2023.

By: *Zaffirini*

Substitute the following for H.B. No. ~~3303~~ 3033:

By: *Zaffirini*

H.B. No. ~~3303~~ 3033

ADOPTED 3033
H.B. No. ~~3303~~ 3033

MAY 23 2023

Lately Spaw
Secretary of the Senate

A BILL TO BE ENTITLED

AN ACT

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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.

10 SECTION 2. Section 552.012, Government Code, is amended by
11 adding Subsection (b-1) to read as follows:

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

21 SECTION 3. Section 552.108(c), Government Code, is amended
22 to read as follows:

23 (c) This section does not except from the requirements of
24 Section 552.021 information that is basic information about an
25 arrested person, an arrest, or a crime. A governmental body shall
26 promptly release basic information responsive to a request made
27 under this chapter unless the governmental body seeks to withhold

1 the information as provided by another provision of this chapter,
2 and regardless of whether the governmental body requests an
3 attorney general decision under Subchapter G regarding other
4 information subject to the request.

5 SECTION 4. Section 552.271, Government Code, is amended by
6 adding Subsection (e) to read as follows:

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

12 SECTION 5. Section 552.272, Government Code, is amended by
13 adding Subsection (f) to read as follows:

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

19 SECTION 6. Section 552.275, Government Code, is amended by
20 amending Subsections (d), (g), and (h) and adding Subsections (n)
21 and (o) to read as follows:

22 (d) If a governmental body establishes a time limit under
23 Subsection (a), each time the governmental body complies with a
24 request for public information, the governmental body shall provide
25 the requestor with a written statement of the amount of personnel
26 time spent complying with that request and the cumulative amount of
27 time spent complying with requests for public information from that

1 requestor during the applicable monthly or yearly period. The
2 amount of time spent preparing the written statement may not be
3 included in the amount of time included in the statement provided to
4 the requestor under this subsection unless the requestor's time
5 limit for the period has been exceeded.

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

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

21 (n) A governmental body may request photo identification
22 from a requestor for the sole purpose of establishing that the
23 requestor has not:

24 (1) exceeded a limit established by the governmental
25 body under Subsection (a); and

26 (2) concealed the requestor's identity.

27 (o) A request for photo identification under Subsection (n)

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

12 SECTION 7. Subchapter G, Chapter 552, Government Code, is
13 amended by adding Section 552.3031 to read as follows:

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

18 (1) the governmental body requesting the decision:

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

20 (B) is located in a county with a population of
21 less than 150,000;

22 (2) the amount or format of responsive information at
23 issue in a particular request makes use of the attorney general's
24 electronic filing system impractical or impossible; or

25 (3) the request is hand delivered to the office of the
26 attorney general.

27 (b) A governmental body that requests an attorney general

1 decision under this subchapter must submit the request through the
2 attorney general's designated electronic filing system.

3 (c) The attorney general may adopt rules necessary to
4 implement this section, including rules that define the amount or
5 type of formatting of information described by Subsection (a)(2)
6 that makes use of the electronic filing system impractical or
7 impossible.

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

10 (c) A governmental body shall as soon as practicable but
11 within a reasonable period of time after the date the attorney
12 general issues an opinion under Subsection (b) regarding
13 information requested under this chapter:

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

17 (2) if the requested information is voluminous:

18 (A) take the following actions if the
19 governmental body determines that it is able to disclose the
20 information in a single batch:

21 (i) provide a written certified notice to
22 the requestor and the attorney general that it is impractical or
23 impossible for the governmental body to produce the information
24 within a reasonable period of time;

25 (ii) include in the notice the date and hour
26 that the governmental body will disclose the information to the
27 requestor, which may not be later than the 15th business day after

1 the date the governmental body provides the notice; and

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

4 (B) take the following actions if the
5 governmental body determines that it is unable to disclose the
6 information in a single batch:

7 (i) provide a written certified notice to
8 the requestor and the attorney general that it is impractical or
9 impossible for the governmental body to produce the information
10 within a reasonable period of time and in a single batch;

11 (ii) include in the notice the date and hour
12 that the governmental body will disclose the first batch of
13 information to the requestor, which may not be later than the 15th
14 business day after the date the governmental body provides the
15 notice;

16 (iii) provide a written certified notice to
17 the requestor and the attorney general when each subsequent batch
18 of information is disclosed to the requestor of the date and hour
19 that the governmental body will disclose the next batch of
20 information to the requestor, which may not be later than the 15th
21 business day after the date the governmental body provides the
22 notice; and

23 (iv) produce the requested information at
24 each date and time included in a notice;

25 (3) produce the information if it is required to be
26 produced;

27 (4) notify the requestor in writing that the

1 governmental body is withholding the information as authorized by
2 the opinion; or

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

6 (d) In an action brought against a governmental body for
7 failure to comply with Subsection (c), the governmental body is
8 presumed to have complied with the requirements of that subsection
9 if the governmental body takes an action under that subsection
10 regarding information that is the subject of an opinion issued by
11 the attorney general not later than the 30th day after the date the
12 attorney general issues the opinion.

13 SECTION 9. Section 552.308, Government Code, is amended to
14 read as follows:

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

23 (1) it bears a post office cancellation mark or a
24 receipt mark of a common or contract carrier indicating a time
25 within that period; or

26 (2) the person required to submit or otherwise give
27 the document furnishes satisfactory proof that it was deposited in

1 the mail or with a common or contract carrier within that period.

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

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

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

12 SECTION 10. Subchapter G, Chapter 552, Government Code, is
13 amended by adding Section 552.310 to read as follows:

14 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the
15 attorney general shall make available on the office's Internet
16 website an easily accessible and searchable database consisting of:

17 (1) information identifying each request for an
18 attorney general decision made under this subchapter; and

19 (2) the attorney general's opinion issued for the
20 request.

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

23 (1) the name of the governmental body making the
24 request; and

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

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

5 SECTION 11. The changes in law made by this Act to Sections
6 552.271, 552.272, and 552.275, Government Code, apply only to a
7 request for information that is received by a governmental body or
8 an officer for public information on or after the effective date of
9 this Act. A request for information that was received before the
10 effective date of this Act is governed by the law in effect on the
11 date the request was received, and the former law is continued in
12 effect for that purpose.

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

21 SECTION 13. As soon as practicable, but not later than
22 January 1, 2024, the office of the attorney general shall make the
23 database required by Section 552.310, Government Code, as added by
24 this Act, available on the office's Internet website.

25 SECTION 14. This Act takes effect September 1, 2023.

ADOPTED

MAY 23 2023

Lately Saw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *[Signature]*

1 Amend C.S.H.B. No. 3033 (senate committee report) as
2 follows:

3 (1) In SECTION 8 of the bill, in added Section 552.306(d),
4 Government Code (page 4, lines 15 and 16), strike "In an action
5 brought against a governmental body for failure to comply with
6 Subsection (c), the" and substitute "A".

7 (2) In SECTION 8 of the bill, in added Section 552.306(d),
8 Government Code (page 4, line 17), between "requirements of" and
9 "if", strike "that subsection" and substitute "Subsection (c)".

10 (3) Add the following appropriately numbered SECTION to the
11 bill and renumber subsequent SECTIONS of the bill accordingly:

12 SECTION _____. Subchapter C, Chapter 552, Government Code,
13 is amended by adding Section 552.163 to read as follows:

14 Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN
15 ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section,
16 "attorney general settlement communication" means documentary
17 materials or information collected, assembled, drafted, developed,
18 used, received, or maintained by or on behalf of the attorney
19 general with respect to an investigation or litigation conducted
20 under Subchapter E, Chapter 17, Business & Commerce Code, and that
21 reflects or is regarding negotiations made for the purpose of
22 achieving a resolution of a matter without the need for continuing
23 with litigation or trial.

24 (b) An attorney general settlement communication is
25 privileged and not subject to disclosure under this chapter from
26 the date the attorney general's investigation begins, as indicated
27 in the attorney general's case management records, until the
28 earlier of:

29 (1) the 90th day after the date settlement discussions

1 are terminated; or
2 (2) the earliest of the date:
3 (A) the case is reported closed in the attorney
4 general's case management records;
5 (B) the final judgment, assurance of voluntary
6 compliance, or other settlement agreement is entered by the court,
7 and the period for filing a notice of appeal has passed;
8 (C) the settlement documents are executed by all
9 parties, if the documents are not filed in court;
10 (D) the order of dismissal or nonsuit disposing
11 of all parties is entered by the court; or
12 (E) all appeals are finalized.
13 (c) For the purpose of this section, a settlement
14 communication does not include a document attached to or referenced
15 in a delivered settlement proposal that is subject to disclosure
16 under this chapter.

FLOOR AMENDMENT NO. 2

ADOPTED BY Paul Bellercont
MAY 23 2023

1 Amend C.S.H.B. No. 3033 (senate committee report) as
2 follows:

Lacey Spaw
Secretary of the Senate

3 (1) In SECTION 11 of the bill, providing transition language
4 (page 4, lines 68 and 69), between "Sections" and "552.271", insert
5 "552.103,".

6 (2) Add the following appropriately numbered SECTION to the
7 bill and renumber subsequent SECTIONS of the bill accordingly:

8 SECTION ____ . Section 552.103, Government Code, is amended
9 by adding Subsection (d) to read as follows:

10 (d) The exception to disclosure provided by this section
11 does not apply to information requested under this chapter if:

12 (1) the information relates to a general, primary, or
13 special election, as those terms are defined by Section 1.005,
14 Election Code;

15 (2) the information is in the possession of a
16 governmental body that administers elections described by
17 Subdivision (1); and

18 (3) the governmental body described by Subdivision (2)
19 is not a governmental body described by Section 552.003(1)(A)(i).

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (Relating to the public information law.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to public information law.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SMAT, HGR, SZ, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (relating to the public information law.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to public information law.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SZ, HGR, SMAT, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (Relating to the public information law.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to public information law.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SZ, HGR, SMAT, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 27, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (relating to the public information law.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to public information law.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SMAT, LCO, HGR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 21, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3033 by Landgraf (Relating to attorney general decisions under the public information law.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3033, As Introduced : a negative impact of (\$5,073,267) through the biennium ending August 31, 2025.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$2,937,323)
2025	(\$2,135,944)
2026	(\$2,135,944)
2027	(\$2,135,944)
2028	(\$2,135,944)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2023
2024	(\$2,937,323)	20.0
2025	(\$2,135,944)	20.0
2026	(\$2,135,944)	20.0
2027	(\$2,135,944)	20.0
2028	(\$2,135,944)	20.0

Fiscal Analysis

The bill would amend section of the Government Code, which pertains to the Office of the Attorney General (OAG) rendering an open records decision within a defined amount of time upon receiving a request for a decision under the Public Information Act (PIA). The bill reduces the statutory time period to render a decision from 45 business days to 30 business days. The bill also removes the ability of the OAG to extend the statutory deadline by 10 business days when it cannot render a decision by the 45-business day deadline. Further the bill requires a governmental body, not later than the 15th day after the date the OAG renders a decision, to produce the information that is the subject of the decision or notify in writing the person who requested the information that the governmental body is withholding the information as authorized by the decision.

The bill would require the OAG to create and maintain a searchable database that tracks each request for a decision under the PIA and the decision on the request. The database must allow a person to search by each

governmental body making request and the exception(s) the governmental body asserts to withhold information from public disclosure. The database must also provide the status of each request, with a timeline indicating the date each stage of review of the request will be started and completed. The database must be made available on the OAG's website as soon as practicable, but not later than January 1, 2024.

Methodology

According to the OAG, the bill would require the OAG to process and response to PIA decision requests in less time than currently permitted. The deadline amendment would reduce the OAG processing by one-third, and the removal of the 10-day extension would further reduce the time the OAG has to process decision requests. The new deadlines would require decisions to be processed much more quickly, which would require more attorneys with substantial PIA experience and additional staff to handle the expedited intake, routing, and issuance of decision requests pursuant to the new deadline requirements.

According to the OAG, six Administrative Assistant II, ten Assistant Attorney General II, and four Assistant Attorney General IV to handle the increased workload resulting from the bill. The FTE costs in fiscal year 2024 are \$2,164,324 and \$2,058,064 in each fiscal year thereafter. Costs include salary, general operating, travel, capital equipment (technology related and furniture), and benefits.

The new database system would provide the following information/capabilities: online system for constituents to search records and decisions of the attorney general; the request or decision; the governmental body making the request; the outcome of the request; exceptions asserted by the governmental body to withhold information from public disclosure; the ability to view the status of the review including the estimated timeline with start and completed dates for each stage of the review.

The OAG would need \$607,239 for programming and analytical cost for the creation of a new PIA tracking system in fiscal year 2024.

Technology

Technology impact includes one-time costs of \$695,119 in fiscal year 2024, and a recurring cost in each fiscal year through fiscal year 2028 of \$77,880. One-time Costs include system development, project management costs, standard laptop, software, printer, and telecom/voicemail. Annual recurring charges cover data center services and voice line.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SMAT, LCO, HGR, NV