

1-1 By: Vasut, et al. (Senate Sponsor - Hughes) H.B. No. 4310
1-2 (In the Senate - Received from the House May 14, 2025;
1-3 May 15, 2025, read first time and referred to Committee on Business
1-4 & Commerce; May 20, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
1-6 May 20, 2025, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Schwertner	X			
1-10	King	X			
1-11	Blanco	X			
1-12	Campbell	X			
1-13	Creighton	X			
1-14	Johnson	X			
1-15	Kolkhorst	X			
1-16	Menéndez	X			
1-17	Middleton	X			
1-18	Nichols	X			
1-19	Zaffirini	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4310 By: Nichols

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

1-23 relating to a special right of access under the public information
1-24 law for a member of a governing board.
1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-26 SECTION 1. Chapter 552, Government Code, is amended by
1-27 adding Subchapter K to read as follows:
1-28 SUBCHAPTER K. SPECIAL RIGHT OF ACCESS BY MEMBER OF GOVERNING BOARD
1-29 Sec. 552.401. DEFINITIONS. In this subchapter:
1-30 (1) "Member of a governing board" means any individual
1-31 who is appointed, designated, or elected to direct or serve on a
1-32 board or other group of individuals that directs a governmental
1-33 body or a nongovernmental entity, including a member of the
1-34 governing body of a municipality and a county commissioner.
1-35 (2) "Nongovernmental entity" means an entity
1-36 described by Section 552.371(a).
1-37 (3) "Promptly" has the meaning described by Section
1-38 552.221(a).
1-39 Sec. 552.402. APPLICABILITY. This subchapter does not
1-40 apply to the legislature or a legislative agency created by
1-41 Subtitle C, Title 3.
1-42 Sec. 552.403. SPECIAL RIGHT OF ACCESS FOR MEMBER OF
1-43 GOVERNING BOARD. (a) A member of the governing board of a
1-44 governmental body or nongovernmental entity may inspect,
1-45 duplicate, or inspect and duplicate public information maintained
1-46 by the governmental body or the nongovernmental entity if the
1-47 member is acting in the member's official capacity.
1-48 (b) Public information requested under this section shall
1-49 be provided to the member promptly and without charge.
1-50 (c) If requested by the member, public information
1-51 requested under this section that is confidential under law shall
1-52 be redacted from the information provided to the member without
1-53 charge.
1-54 (d) Information subject to attorney-client privilege is not
1-55 subject to disclosure to a member of a governing board under this
1-56 section unless the attorney-client relationship upon which the
1-57 privilege is based applies to the member. A governmental body or
1-58 nongovernmental entity shall inform the member if information
1-59 responsive to a request made under Subsection (a) is withheld under
1-60 this subsection.

2-1 Sec. 552.404. CONFIDENTIAL INFORMATION. (a) A
 2-2 governmental body or a nongovernmental entity that has been
 2-3 requested to provide information under this subchapter may request
 2-4 the member of a governing board who is receiving public information
 2-5 that is confidential under law to sign a confidentiality agreement
 2-6 that covers the information and requires that:

2-7 (1) the information not be disclosed;
 2-8 (2) the information be labeled as confidential;
 2-9 (3) the information be kept securely; or
 2-10 (4) the number of copies made of the information or the
 2-11 notes taken from the information that implicate the confidential
 2-12 nature of the information be controlled, with all copies or notes
 2-13 that are not destroyed or returned remaining confidential and
 2-14 subject to the confidentiality agreement.

2-15 (b) A governmental body or nongovernmental entity, by
 2-16 providing public information under this subchapter that is
 2-17 confidential or otherwise excepted from required disclosure under
 2-18 law, does not waive or affect the confidentiality of the
 2-19 information for purposes of state or federal law or waive the right
 2-20 to assert exceptions to required disclosure of the information in
 2-21 the future.

2-22 Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL. (a) A
 2-23 member of a governing board who has received a request under Section
 2-24 552.404(a) to sign a confidentiality agreement may seek a decision
 2-25 about whether the information covered by the confidentiality
 2-26 agreement is confidential under law. A confidentiality agreement
 2-27 signed under Section 552.404(a) is void to the extent that the
 2-28 agreement covers information that is determined by the attorney
 2-29 general or a court to not be confidential under law.

2-30 (b) The attorney general by rule shall establish procedures
 2-31 and deadlines for receiving information necessary to decide the
 2-32 matter and briefs from the member of a governing board, the
 2-33 governmental body or nongovernmental entity, and any other
 2-34 interested person.

2-35 (c) The attorney general shall promptly render a decision
 2-36 requested under this section, determining whether the information
 2-37 covered by the confidentiality agreement is confidential under law,
 2-38 not later than the 45th business day after the date the attorney
 2-39 general received the request for a decision under this section. The
 2-40 attorney general shall issue a written decision on the matter and
 2-41 provide a copy of the decision to the member, the governmental body
 2-42 or nongovernmental entity, and any interested person who submitted
 2-43 necessary information or a brief to the attorney general about the
 2-44 matter.

2-45 (d) The member or the governmental body or nongovernmental
 2-46 entity may appeal a decision of the attorney general under this
 2-47 section to a Travis County district court. Any other person may
 2-48 appeal a decision of the attorney general under this section to a
 2-49 Travis County district court if the person claims a proprietary
 2-50 interest in the information affected by the decision or a privacy
 2-51 interest in the information that a confidentiality law or judicial
 2-52 decision is designed to protect.

2-53 Sec. 552.406. WRIT OF MANDAMUS. (a) If a governmental body
 2-54 or nongovernmental entity fails or refuses to comply with an
 2-55 applicable requirement of this subchapter, a member of a governing
 2-56 board who made a request under Section 552.403 may file a motion,
 2-57 petition, or other appropriate pleading in a district court having
 2-58 jurisdiction for a writ of mandamus to compel the body or entity to
 2-59 comply with the applicable requirement.

2-60 (b) A pleading under Subsection (a) must be brought:
 2-61 (1) in Travis County for a governmental body that is a
 2-62 state agency;
 2-63 (2) in a county in which the governmental body is
 2-64 located for a governmental body that is not a state agency; or
 2-65 (3) in the county where the entity's principal office
 2-66 in this state is located for a nongovernmental entity.

2-67 (c) If the member prevails under Subsection (a), the court
 2-68 may award reasonable attorney's fees, expenses, and court costs.

2-69 Sec. 552.407. INFORMATION OBTAINABLE UNDER OTHER LAW. This

3-1 subchapter does not affect:

3-2 (1) the procedures under which information may be
3-3 obtained under other law; or

3-4 (2) the use that may be made of information obtained
3-5 under other law.

3-6 SECTION 2. This Act takes effect September 1, 2025.

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