

By: Bryant

H.B. No. 5585

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain persons to bring an action for declaratory judgment under the open meetings law or public information law regarding compliance or action by a governmental body.

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

SECTION 1. Subchapter G, Chapter 551, Government Code, is amended by adding Section 551.1425 to read as follows:

Sec. 551.1425. DECLARATORY JUDGMENT. (a) An interested person, including a member of the news media, may bring an action for declaratory judgment to:

(1) determine whether a governmental body has complied with a provision of this chapter; or

(2) construe a provision of this chapter in connection with a legal or factual position taken by the governmental body concerning the provision.

(b) A court hearing an action under this section may award costs and reasonable and necessary attorney's fees as provided by Section 37.009, Civil Practice and Remedies Code.

SECTION 2. Subchapter H, Chapter 552, Government Code, is amended by adding Section 552.3214 to read as follows:

Sec. 552.3214. DECLARATORY JUDGMENT. A requestor or the attorney general may bring an action for declaratory judgment involving a request for information made to a governmental body

under this chapter to determine:

(1) whether the governmental body has complied with a provision of this chapter; or

(2) the accuracy of a legal or factual position taken by the governmental body, including as part of:

(A) a determination of the estimated cost of providing requested information; or

(B) a request for a decision from the attorney general under Subchapter G.

SECTION 3. The heading to Section [552.3215](#), Government Code, is amended to read as follows:

Sec. 552.3215. DECLARATORY JUDGMENT OR INJUNCTIVE RELIEF FOLLOWING COMPLAINT.

SECTION 4. Section [552.323](#), Government Code, is amended by adding Subsection (c) to read as follows:

(c) A court hearing an action under Section 552.3214 or [552.3215](#) may award costs and reasonable and necessary attorney's fees as provided by Section [37.009](#), Civil Practice and Remedies Code.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section [39](#), Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.