

By: Johnson

S.B. No. 1291

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain persons to bring an action for
3 declaratory judgment under the open meetings law or public
4 information law regarding compliance or action by a governmental
5 body.

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

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

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

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

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

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

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

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

1 under this chapter to determine:

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

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

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

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

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

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

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

16 (c) A court hearing an action under Section 552.3214 or
17 [552.3215](#) may award costs and reasonable and necessary attorney's
18 fees as provided by Section [37.009](#), Civil Practice and Remedies
19 Code.

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