

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

By: Vasut, et al.

H.B. No. 4310

A BILL TO BE ENTITLED

AN ACT

relating to a special right of access under the public information law for a member of a governing board.

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

SECTION 1. Chapter 552, Government Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. SPECIAL RIGHT OF ACCESS BY MEMBER OF GOVERNING BOARD

Sec. 552.401. DEFINITIONS. In this subchapter:

(1) "Member of a governing board" means any individual who is appointed, designated, or elected to direct or serve on a board or other group of individuals that directs a governmental body or a nongovernmental entity, including a member of the governing body of a municipality and a county commissioner.

(2) "Nongovernmental entity" means an entity described by Section 552.371(a).

(3) "Promptly" has the meaning described by Section 552.221(a).

Sec. 552.402. SPECIAL RIGHT OF ACCESS FOR A MEMBER OF A GOVERNING BOARD. (a) A member of the governing board of a governmental body or nongovernmental entity may inspect, duplicate, or inspect and duplicate public information maintained by the governmental body or the nongovernmental entity if the member is acting in the member's official capacity.

(b) Public information requested under this section shall

1 be provided to the member promptly and without charge.

2 (c) If requested by the member, public information  
3 requested under this section that is confidential under law shall  
4 be redacted from the information provided to the member without  
5 charge.

6 Sec. 552.403. CONFIDENTIAL INFORMATION. (a) A  
7 governmental body or a nongovernmental entity that has been  
8 requested to provide information under this subchapter may request  
9 the member of a governing board who is receiving public information  
10 that is confidential under law to sign a confidentiality agreement  
11 that covers the information and requires that:

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

20 (b) A governmental body or nongovernmental entity, by  
21 providing public information under this subchapter that is  
22 confidential or otherwise excepted from required disclosure under  
23 law, does not waive or affect the confidentiality of the  
24 information for purposes of state or federal law or waive the right  
25 to assert exceptions to required disclosure of the information in  
26 the future.

27 Sec. 552.404. DETERMINATION BY THE ATTORNEY GENERAL. (a) A

1 member of a governing board who has received a request under Section  
2 552.403(a) to sign a confidentiality agreement may seek a decision  
3 about whether the information covered by the confidentiality  
4 agreement is confidential under law. A confidentiality agreement  
5 signed under Section 552.403(a) is void to the extent that the  
6 agreement covers information that is determined by the attorney  
7 general or a court to not be confidential under law.

8 (b) The attorney general by rule shall establish procedures  
9 and deadlines for receiving information necessary to decide the  
10 matter and briefs from the member of a governing board, the  
11 governmental body or nongovernmental entity, and any other  
12 interested person.

13 (c) The attorney general shall promptly render a decision  
14 requested under this section, determining whether the information  
15 covered by the confidentiality agreement is confidential under law,  
16 not later than the 45th business day after the date the attorney  
17 general received the request for a decision under this section. The  
18 attorney general shall issue a written decision on the matter and  
19 provide a copy of the decision to the member, the governmental body  
20 or nongovernmental entity, and any interested person who submitted  
21 necessary information or a brief to the attorney general about the  
22 matter.

23 (d) The member or the governmental body or nongovernmental  
24 entity may appeal a decision of the attorney general under this  
25 section to a Travis County district court. Any other person may  
26 appeal a decision of the attorney general under this section to a  
27 Travis County district court if the person claims a proprietary

1 interest in the information affected by the decision or a privacy  
2 interest in the information that a confidentiality law or judicial  
3 decision is designed to protect.

4 Sec. 552.405. WRIT OF MANDAMUS. (a) If a governmental body  
5 or nongovernmental entity fails or refuses to comply with an  
6 applicable requirement of this subchapter, a member of a governing  
7 board who made a request under Section 552.402 may file a motion,  
8 petition, or other appropriate pleading in a district court having  
9 jurisdiction for a writ of mandamus to compel the body or entity to  
10 comply with the applicable requirement.

11 (b) A pleading under Subsection (a) shall be brought:

12 (1) in Travis County for a governmental body that is a  
13 state agency;

14 (2) in a county in which the governmental body is  
15 located for a governmental body that is not a state agency; or

16 (3) in the county where the entity's principal office  
17 in this state is located for a nongovernmental entity.

18 (c) If the member prevails under Subsection (a), the court  
19 may award reasonable attorney's fees, expenses, and court costs.

20 Sec. 552.406. INFORMATION OBTAINABLE UNDER OTHER LAW. This  
21 subchapter does not affect:

22 (1) the procedures under which information may be  
23 obtained under other law; or

24 (2) the use that may be made of information obtained  
25 under other law.

26 SECTION 2. This Act takes effect September 1, 2025.

ADOPTED

MAY 25 2025

*Latey Law*  
Secretary of the Senate

*Bryan Hughes*

By: \_\_\_\_\_

H.B. No. 4310

Substitute the following for H.B. No. 4310:

By: *Robert Lee Nichols*

C.S. H.B. No. 4310

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(1) "Member of a governing board" means any individual who is appointed, designated, or elected to direct or serve on a board or other group of individuals that directs a governmental body or a nongovernmental entity, including a member of the governing body of a municipality and a county commissioner.

(2) "Nongovernmental entity" means an entity described by Section 552.371(a).

(3) "Promptly" has the meaning described by Section 552.221(a).

Sec. 552.402. APPLICABILITY. This subchapter does not apply to the legislature or a legislative agency created by Subtitle C, Title 3.

Sec. 552.403. SPECIAL RIGHT OF ACCESS FOR MEMBER OF GOVERNING BOARD. (a) A member of the governing board of a governmental body or nongovernmental entity may inspect, duplicate, or inspect and duplicate public information maintained

1 by the governmental body or the nongovernmental entity if the  
2 member is acting in the member's official capacity.

3 (b) Public information requested under this section shall  
4 be provided to the member promptly and without charge.

5 (c) If requested by the member, public information  
6 requested under this section that is confidential under law shall  
7 be redacted from the information provided to the member without  
8 charge.

9 (d) Information subject to attorney-client privilege is not  
10 subject to disclosure to a member of a governing board under this  
11 section unless the attorney-client relationship upon which the  
12 privilege is based applies to the member. A governmental body or  
13 nongovernmental entity shall inform the member if information  
14 responsive to a request made under Subsection (a) is withheld under  
15 this subsection.

16 Sec. 552.404. CONFIDENTIAL INFORMATION. (a) A  
17 governmental body or a nongovernmental entity that has been  
18 requested to provide information under this subchapter may request  
19 the member of a governing board who is receiving public information  
20 that is confidential under law to sign a confidentiality agreement  
21 that covers the information and requires that:

- 22 (1) the information not be disclosed;  
23 (2) the information be labeled as confidential;  
24 (3) the information be kept securely; or  
25 (4) the number of copies made of the information or the  
26 notes taken from the information that implicate the confidential  
27 nature of the information be controlled, with all copies or notes

1 that are not destroyed or returned remaining confidential and  
2 subject to the confidentiality agreement.

3 (b) A governmental body or nongovernmental entity, by  
4 providing public information under this subchapter that is  
5 confidential or otherwise excepted from required disclosure under  
6 law, does not waive or affect the confidentiality of the  
7 information for purposes of state or federal law or waive the right  
8 to assert exceptions to required disclosure of the information in  
9 the future.

10 Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL. (a) A  
11 member of a governing board who has received a request under Section  
12 552.404(a) to sign a confidentiality agreement may seek a decision  
13 about whether the information covered by the confidentiality  
14 agreement is confidential under law. A confidentiality agreement  
15 signed under Section 552.404(a) is void to the extent that the  
16 agreement covers information that is determined by the attorney  
17 general or a court to not be confidential under law.

18 (b) The attorney general by rule shall establish procedures  
19 and deadlines for receiving information necessary to decide the  
20 matter and briefs from the member of a governing board, the  
21 governmental body or nongovernmental entity, and any other  
22 interested person.

23 (c) The attorney general shall promptly render a decision  
24 requested under this section, determining whether the information  
25 covered by the confidentiality agreement is confidential under law,  
26 not later than the 45th business day after the date the attorney  
27 general received the request for a decision under this section. The

1 attorney general shall issue a written decision on the matter and  
2 provide a copy of the decision to the member, the governmental body  
3 or nongovernmental entity, and any interested person who submitted  
4 necessary information or a brief to the attorney general about the  
5 matter.

6 (d) The member or the governmental body or nongovernmental  
7 entity may appeal a decision of the attorney general under this  
8 section to a Travis County district court. Any other person may  
9 appeal a decision of the attorney general under this section to a  
10 Travis County district court if the person claims a proprietary  
11 interest in the information affected by the decision or a privacy  
12 interest in the information that a confidentiality law or judicial  
13 decision is designed to protect.

14 Sec. 552.406. WRIT OF MANDAMUS. (a) If a governmental body  
15 or nongovernmental entity fails or refuses to comply with an  
16 applicable requirement of this subchapter, a member of a governing  
17 board who made a request under Section 552.403 may file a motion,  
18 petition, or other appropriate pleading in a district court having  
19 jurisdiction for a writ of mandamus to compel the body or entity to  
20 comply with the applicable requirement.

21 (b) A pleading under Subsection (a) must be brought:

22 (1) in Travis County for a governmental body that is a  
23 state agency;

24 (2) in a county in which the governmental body is  
25 located for a governmental body that is not a state agency; or

26 (3) in the county where the entity's principal office  
27 in this state is located for a nongovernmental entity.



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

3        Sec. 552.407. INFORMATION OBTAINABLE UNDER OTHER LAW. This  
4 subchapter does not affect:

5                (1) the procedures under which information may be  
6 obtained under other law; or

7                (2) the use that may be made of information obtained  
8 under other law.

9        SECTION 2. This Act takes effect September 1, 2025.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 25, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4310** by Vasut (Relating to a special right of access under the public information law for a member of a governing board.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill grants governing board members of governmental and non-governmental entities a special right of access to public records. It is assumed that any costs associated with the bill could be absorbed using existing resources.

The bill would create a process for providing the requested information. The bill would establish a process through which the Attorney General will determine if the information requested is confidential under the law. A ruling by the Attorney General may be appealed to a Travis County district court. The bill would allow a board member to seek a writ of mandamus from a district court to compel compliance if a government or nongovernmental entity fails to comply with the requirements of the bill. The revenue impact would be dependent on the number of requests made, the timing and scale of any litigation, and associated attorney's fees, expenses, and court costs, and cannot be determined.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 242 State Commission on Judicial Conduct, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 352 Bond Review Board, 452 Department of Licensing and Regulation, 503 Texas Medical Board, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 601 Department of Transportation, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

**LBB Staff:** JMc, SD, RStu, THO, KTw

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 20, 2025**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4310** by Vasut (relating to a special right of access under the public information law for a member of a governing board.), **Committee Report 2nd House, Substituted**

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**LBB Staff:** JMc, RStu, THO, KTw

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 20, 2025**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4310** by Vasut (Relating to a special right of access under the public information law for a member of a governing board.), **As Engrossed**

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**LBB Staff:** JMc, RStu, THO, KTw

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**April 22, 2025**

**TO:** Honorable Giovanni Capriglione, Chair, House Committee on Delivery of Government Efficiency

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4310** by Vasut (Relating to a special right of access under the public information law for a member of a governing board.), **As Introduced**

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