

1-1 By: Taylor of Collin S.B. No. 335
 1-2 (In the Senate - Filed January 23, 2015; February 2, 2015,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 April 9, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 9, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 335 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the right of officers of counties, county boards of
 1-22 school trustees, and county boards of education to obtain
 1-23 information, documents, and records.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 89, Local Government Code, is amended by
 1-26 adding Section 89.007 to read as follows:

1-27 Sec. 89.007. SPECIAL RIGHT OF ACCESS TO INFORMATION BY
 1-28 OFFICERS OF COUNTIES, COUNTY BOARDS OF SCHOOL TRUSTEES, AND COUNTY
 1-29 BOARDS OF EDUCATION. (a) In this section:

1-30 (1) "County governmental body":

1-31 (A) means:

1-32 (i) a county commissioners court;

1-33 (ii) a deliberative body that has
 1-34 rulemaking or quasi-judicial power and that is classified as a
 1-35 department, agency, or political subdivision of a county;

1-36 (iii) a county board of school trustees;

1-37 (iv) a county board of education; or

1-38 (v) the part, section, or portion of a
 1-39 county, county board of school trustees, or county board of
 1-40 education described by Section 552.003(1)(A)(xii), Government
 1-41 Code, that is a governmental body for purposes of Chapter 552,
 1-42 Government Code; and

1-43 (B) does not include:

1-44 (i) the judiciary; or

1-45 (ii) a private entity that spends or is
 1-46 supported wholly or partly by public funds.

1-47 (2) "County officer" means:

1-48 (A) an elected or appointed officer who
 1-49 supervises, manages, or controls a county governmental body; or

1-50 (B) a member of a board, a commission, a
 1-51 committee, or another body consisting of more than one individual
 1-52 elected or appointed to supervise, manage, or control a county
 1-53 governmental body.

1-54 (3) "Public information" has the meaning assigned by
 1-55 Section 552.002, Government Code.

1-56 (b) A county officer has a right of access to information
 1-57 that is for purposes of Chapter 552, Government Code, public
 1-58 information of the county governmental body that the county officer
 1-59 oversees.

1-60 (c) A county governmental body on request by the county

2-1 officer who oversees the governmental body shall provide public
 2-2 information, including confidential information or information
 2-3 otherwise excepted from disclosure, to the county officer in
 2-4 accordance with Chapter 552, Government Code.

2-5 (d) A county governmental body, by providing public
 2-6 information under this section that is confidential or otherwise
 2-7 excepted from required disclosure under law, does not waive or
 2-8 affect the confidentiality of the information for purposes of state
 2-9 or federal law or waive the right of the county governmental body to
 2-10 assert exceptions to required disclosure of the information in the
 2-11 future. The county governmental body may require the requesting
 2-12 county officer or a designated employee of the requesting county
 2-13 officer who will view or handle information that is received under
 2-14 this section and that is confidential under law or otherwise
 2-15 excepted from disclosure to sign a confidentiality agreement that
 2-16 covers the information and requires that:

2-17 (1) the information not be disclosed outside the
 2-18 office of the requesting county officer, or within that office for
 2-19 purposes other than the purpose for which it was received;

2-20 (2) the information be labeled as confidential;

2-21 (3) the information be kept securely; or

2-22 (4) the number of copies made of the information or the
 2-23 notes taken from the information that implicate the confidential
 2-24 nature of the information be controlled, with all copies or notes
 2-25 that are not destroyed or returned to the county governmental body
 2-26 remaining confidential and subject to the confidentiality
 2-27 agreement.

2-28 (e) An individual required by a county governmental body to
 2-29 sign a confidentiality agreement under Subsection (d) may seek a
 2-30 decision as provided by Subsection (f) about whether the
 2-31 information covered by the confidentiality agreement is
 2-32 confidential under law or otherwise excepted from disclosure. A
 2-33 confidentiality agreement signed under Subsection (d) is void to
 2-34 the extent that the agreement covers information that is finally
 2-35 determined under Subsection (f) to not be confidential under law or
 2-36 otherwise excepted from disclosure.

2-37 (f) A county officer may seek a decision from the attorney
 2-38 general about whether the information covered by the
 2-39 confidentiality agreement is confidential under law or otherwise
 2-40 excepted from disclosure. The attorney general by rule shall
 2-41 establish procedures and deadlines for receiving information
 2-42 necessary to determine whether the information covered by the
 2-43 confidentiality agreement is confidential under law or otherwise
 2-44 excepted from disclosure and for receiving briefs from the
 2-45 requesting county officer, the county governmental body, and any
 2-46 other interested person. The attorney general shall promptly
 2-47 render a decision requested under this subsection, determining
 2-48 whether the information covered by the confidentiality agreement is
 2-49 confidential under law or otherwise excepted from disclosure, not
 2-50 later than the 45th business day after the date the attorney general
 2-51 receives the request for a decision under this subsection. If the
 2-52 attorney general is unable to issue the decision within the 45-day
 2-53 period, the attorney general may extend the period for issuing the
 2-54 decision by an additional 10 business days by informing the county
 2-55 governmental body and the requesting county officer, during the
 2-56 original 45-day period, of the reason for the delay. The attorney
 2-57 general shall issue a written decision and provide a copy of the
 2-58 decision to the requesting county officer, the county governmental
 2-59 body, and any interested person who submitted necessary information
 2-60 or a brief to the attorney general under this subsection. The
 2-61 requesting county officer or the county governmental body may
 2-62 appeal a decision of the attorney general under this subsection to a
 2-63 district court in the county. A person may appeal a decision of the
 2-64 attorney general under this subsection to a district court in the
 2-65 county if the person claims a proprietary interest in the
 2-66 information affected by the decision or a privacy interest in the
 2-67 information that a confidentiality law or judicial decision is
 2-68 designed to protect.

2-69 (g) This section does not affect:

3-1 (1) the right of a county officer to obtain
3-2 information from a county governmental body under other law;

3-3 (2) the procedures under which the information is
3-4 obtained under other law; or

3-5 (3) the use that may be made of the information
3-6 obtained under other law.

3-7 (h) This section does not grant authority to a county
3-8 governmental body to withhold information from county officers.

3-9 SECTION 2. Section 89.007, Local Government Code, as added
3-10 by this Act, applies only to a request for information by a county
3-11 officer that is made on or after the effective date of this Act. A
3-12 request for information made before the effective date of this Act
3-13 is governed by the applicable law in effect immediately before the
3-14 effective date of this Act, and that law is continued in effect for
3-15 that purpose.

3-16 SECTION 3. This Act takes effect immediately if it receives
3-17 a vote of two-thirds of all the members elected to each house, as
3-18 provided by Section 39, Article III, Texas Constitution. If this
3-19 Act does not receive the vote necessary for immediate effect, this
3-20 Act takes effect September 1, 2015.

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