

1-1 By: Watson S.B. No. 1655
 1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 24, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 24, 2017,
 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. 1655 By: Nichols

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

1-21 relating to the availability of certain information under the
 1-22 public information law.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 552.101, Government Code, is amended to
 1-25 read as follows:

1-26 Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION.

1-27 (a) Information is excepted from the requirements of Section
 1-28 552.021 if it is information considered to be confidential by law,
 1-29 either constitutional, statutory, or by judicial decision.

1-30 (b) The exception to disclosure provided by Subsection (a)
 1-31 does not apply to information considered to be:

1-32 (1) privileged under an evidentiary privilege created
 1-33 by the Texas Rules of Civil Procedure, the Texas Rules of Evidence,
 1-34 the Texas Disciplinary Rules of Professional Conduct, the Federal
 1-35 Rules of Evidence, or the Federal Rules of Civil Procedure,
 1-36 including the attorney-client privilege, the attorney work product
 1-37 privilege, or any other state or federal discovery privilege; or

1-38 (2) excepted from required disclosure under another
 1-39 provision of this chapter.

1-40 SECTION 2. Section 552.302, Government Code, is amended to
 1-41 read as follows:

1-42 Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY
 1-43 GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a) If
 1-44 a governmental body does not request an attorney general decision
 1-45 as provided by Section 552.301 and provide the requestor with the
 1-46 information required by Sections 552.301(d) and (e-1), the
 1-47 information requested in writing is presumed to be subject to
 1-48 required public disclosure and must be released unless there is a
 1-49 compelling reason to withhold the information.

1-50 (b) Sections 552.103, 552.104, 552.105, 552.106, 552.108,
 1-51 552.111, 552.112, 552.116, 552.122, 552.125, 552.144, 552.146,
 1-52 552.153, and 552.154 do not constitute compelling reasons to
 1-53 withhold information under Subsection (a) for a governmental body
 1-54 that fails to comply with the requirements of Section 552.301.

1-55 SECTION 3. Section 552.305, Government Code, is amended by
 1-56 adding Subsection (f) to read as follows:

1-57 (f) A governmental body's failure to comply with the
 1-58 requirements of Section 552.301 does not affect another person's
 1-59 privacy or property interests or the person's ability under this
 1-60 section to submit a letter, memorandum, or brief in support of each

2-1 reason why the information should be withheld.

2-2 SECTION 4. The changes in law made by this Act apply only to
2-3 a request for information received by a governmental body on or
2-4 after the effective date of this Act. A request received before the
2-5 effective date of this Act is governed by the law in effect on the
2-6 date the request was received, and the former law is continued in
2-7 effect for that purpose.

2-8 SECTION 5. This Act takes effect September 1, 2017.

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