

1-1 By: Vasut, et al. (Senate Sponsor - Hughes) H.B. No. 4310
 1-2 (In the Senate - Received from the House May 14, 2025;
 1-3 May 15, 2025, read first time and referred to Committee on Business
 1-4 & Commerce; May 20, 2025, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 20, 2025, 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	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4310 By: Nichols

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to a special right of access under the public information
 1-24 law for a member of a governing board.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 552, Government Code, is amended by
 1-27 adding Subchapter K to read as follows:

1-28 SUBCHAPTER K. SPECIAL RIGHT OF ACCESS BY MEMBER OF GOVERNING BOARD

1-29 Sec. 552.401. DEFINITIONS. In this subchapter:

1-30 (1) "Member of a governing board" means any individual
 1-31 who is appointed, designated, or elected to direct or serve on a
 1-32 board or other group of individuals that directs a governmental
 1-33 body or a nongovernmental entity, including a member of the
 1-34 governing body of a municipality and a county commissioner.

1-35 (2) "Nongovernmental entity" means an entity
 1-36 described by Section 552.371(a).

1-37 (3) "Promptly" has the meaning described by Section
 1-38 552.221(a).

1-39 Sec. 552.402. APPLICABILITY. This subchapter does not
 1-40 apply to the legislature or a legislative agency created by
 1-41 Subtitle C, Title 3.

1-42 Sec. 552.403. SPECIAL RIGHT OF ACCESS FOR MEMBER OF
 1-43 GOVERNING BOARD. (a) A member of the governing board of a
 1-44 governmental body or nongovernmental entity may inspect,
 1-45 duplicate, or inspect and duplicate public information maintained
 1-46 by the governmental body or the nongovernmental entity if the
 1-47 member is acting in the member's official capacity.

1-48 (b) Public information requested under this section shall
 1-49 be provided to the member promptly and without charge.

1-50 (c) If requested by the member, public information
 1-51 requested under this section that is confidential under law shall
 1-52 be redacted from the information provided to the member without
 1-53 charge.

1-54 (d) Information subject to attorney-client privilege is not
 1-55 subject to disclosure to a member of a governing board under this
 1-56 section unless the attorney-client relationship upon which the
 1-57 privilege is based applies to the member. A governmental body or
 1-58 nongovernmental entity shall inform the member if information
 1-59 responsive to a request made under Subsection (a) is withheld under
 1-60 this subsection.

2-1 Sec. 552.404. CONFIDENTIAL INFORMATION. (a) A
2-2 governmental body or a nongovernmental entity that has been
2-3 requested to provide information under this subchapter may request
2-4 the member of a governing board who is receiving public information
2-5 that is confidential under law to sign a confidentiality agreement
2-6 that covers the information and requires that:

- 2-7 (1) the information not be disclosed;
- 2-8 (2) the information be labeled as confidential;
- 2-9 (3) the information be kept securely; or
- 2-10 (4) the number of copies made of the information or the
2-11 notes taken from the information that implicate the confidential
2-12 nature of the information be controlled, with all copies or notes
2-13 that are not destroyed or returned remaining confidential and
2-14 subject to the confidentiality agreement.

2-15 (b) A governmental body or nongovernmental entity, by
2-16 providing public information under this subchapter that is
2-17 confidential or otherwise excepted from required disclosure under
2-18 law, does not waive or affect the confidentiality of the
2-19 information for purposes of state or federal law or waive the right
2-20 to assert exceptions to required disclosure of the information in
2-21 the future.

2-22 Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL. (a) A
2-23 member of a governing board who has received a request under Section
2-24 552.404(a) to sign a confidentiality agreement may seek a decision
2-25 about whether the information covered by the confidentiality
2-26 agreement is confidential under law. A confidentiality agreement
2-27 signed under Section 552.404(a) is void to the extent that the
2-28 agreement covers information that is determined by the attorney
2-29 general or a court to not be confidential under law.

2-30 (b) The attorney general by rule shall establish procedures
2-31 and deadlines for receiving information necessary to decide the
2-32 matter and briefs from the member of a governing board, the
2-33 governmental body or nongovernmental entity, and any other
2-34 interested person.

2-35 (c) The attorney general shall promptly render a decision
2-36 requested under this section, determining whether the information
2-37 covered by the confidentiality agreement is confidential under law,
2-38 not later than the 45th business day after the date the attorney
2-39 general received the request for a decision under this section. The
2-40 attorney general shall issue a written decision on the matter and
2-41 provide a copy of the decision to the member, the governmental body
2-42 or nongovernmental entity, and any interested person who submitted
2-43 necessary information or a brief to the attorney general about the
2-44 matter.

2-45 (d) The member or the governmental body or nongovernmental
2-46 entity may appeal a decision of the attorney general under this
2-47 section to a Travis County district court. Any other person may
2-48 appeal a decision of the attorney general under this section to a
2-49 Travis County district court if the person claims a proprietary
2-50 interest in the information affected by the decision or a privacy
2-51 interest in the information that a confidentiality law or judicial
2-52 decision is designed to protect.

2-53 Sec. 552.406. WRIT OF MANDAMUS. (a) If a governmental body
2-54 or nongovernmental entity fails or refuses to comply with an
2-55 applicable requirement of this subchapter, a member of a governing
2-56 board who made a request under Section 552.403 may file a motion,
2-57 petition, or other appropriate pleading in a district court having
2-58 jurisdiction for a writ of mandamus to compel the body or entity to
2-59 comply with the applicable requirement.

2-60 (b) A pleading under Subsection (a) must be brought:

- 2-61 (1) in Travis County for a governmental body that is a
2-62 state agency;
- 2-63 (2) in a county in which the governmental body is
2-64 located for a governmental body that is not a state agency; or
- 2-65 (3) in the county where the entity's principal office
2-66 in this state is located for a nongovernmental entity.

2-67 (c) If the member prevails under Subsection (a), the court
2-68 may award reasonable attorney's fees, expenses, and court costs.

2-69 Sec. 552.407. INFORMATION OBTAINABLE UNDER OTHER LAW. This

3-1 subchapter does not affect:
3-2 (1) the procedures under which information may be
3-3 obtained under other law; or
3-4 (2) the use that may be made of information obtained
3-5 under other law.

3-6 SECTION 2. This Act takes effect September 1, 2025.

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