

AN ACT

relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information.

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

SECTION 1. Subchapter F, Chapter 552, Government Code, is amended by adding Section 552.275 to read as follows:

Sec. 552.275. REQUESTS THAT REQUIRE LARGE AMOUNTS OF EMPLOYEE OR PERSONNEL TIME. (a) A governmental body may establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

(b) A time limit established under Subsection (a) may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

(c) In determining whether a time limit established under Subsection (a) applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Section 101.003(a), Family Code, is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other

1 person who has control of the minor under a court order and with  
2 whom the minor resides, unless that parent, guardian, or other  
3 person establishes that another person submitted that request in  
4 the name of the minor.

5 (d) If a governmental body establishes a time limit under  
6 Subsection (a), each time the governmental body complies with a  
7 request for public information, the governmental body shall provide  
8 the requestor with a written statement of the amount of personnel  
9 time spent complying with that request and the cumulative amount of  
10 time spent complying with requests for public information from that  
11 requestor during the applicable 12-month period. The amount of  
12 time spent preparing the written statement may not be included in  
13 the amount of time included in the statement provided to the  
14 requestor under this subsection.

15 (e) If in connection with a request for public information,  
16 the cumulative amount of personnel time spent complying with  
17 requests for public information from the same requestor equals or  
18 exceeds the limit established by the governmental body under  
19 Subsection (a), the governmental body shall provide the requestor  
20 with a written estimate of the total cost, including materials,  
21 personnel time, and overhead expenses, necessary to comply with the  
22 request. The written estimate must be provided to the requestor on  
23 or before the 10th day after the date on which the public  
24 information was requested. The amount of this charge relating to  
25 the cost of locating, compiling, and producing the public  
26 information shall be established by rules prescribed by the  
27 attorney general under Sections 552.262(a) and (b).

1       (f) If the governmental body determines that additional  
2 time is required to prepare the written estimate under Subsection  
3 (e) and provides the requestor with a written statement of that  
4 determination, the governmental body must provide the written  
5 statement under that subsection as soon as practicable, but on or  
6 before the 10th day after the date the governmental body provided  
7 the statement under this subsection.

8       (g) If a governmental body provides a requestor with the  
9 written statement under Subsection (e), the governmental body is  
10 not required to produce public information for inspection or  
11 duplication or to provide copies of public information in response  
12 to the requestor's request unless on or before the 10th day after  
13 the date the governmental body provided the written statement under  
14 that subsection, the requestor submits a statement in writing to  
15 the governmental body in which the requestor commits to pay the  
16 lesser of:

17               (1) the actual costs incurred in complying with the  
18 requestor's request, including the cost of materials and personnel  
19 time and overhead; or

20               (2) the amount stated in the written statement  
21 provided under Subsection (e).

22       (h) If the requestor fails or refuses to submit the written  
23 statement under Subsection (g), the requestor is considered to have  
24 withdrawn the requestor's pending request for public information.

25       (i) This section does not prohibit a governmental body from  
26 providing a copy of public information without charge or at a  
27 reduced rate under Section 552.267 or from waiving a charge for

1 providing a copy of public information under that section.

2 (j) This section does not apply if the requestor is a  
3 representative of:

4 (1) a radio or television station that holds a license  
5 issued by the Federal Communications Commission; or

6 (2) a newspaper that is qualified under Section  
7 2051.044 to publish legal notices or is a free newspaper of general  
8 circulation and that is published at least once a week and available  
9 and of interest to the general public in connection with the  
10 dissemination of news.

11 (k) This section does not apply if the requestor is an  
12 elected official of the United States, this state, or a political  
13 subdivision of this state.

14 (l) This section does not apply if the requestor is a  
15 representative of a publicly funded legal services organization  
16 that is exempt from federal income taxation under Section 501(a),  
17 Internal Revenue Code of 1986, as amended, by being listed as an  
18 exempt entity under Section 501(c)(3) of that code.

19 SECTION 2. Section 552.275, Government Code, as added by  
20 this Act, applies only to a request for public information under  
21 Chapter 552 of that code that is submitted to a governmental body in  
22 a fiscal year of that governmental body that begins on or after the  
23 effective date of this Act.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2564

1 Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2564 was passed by the House on May 11, 2007, by the following vote: Yeas 119, Nays 16, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2564 on May 25, 2007, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2564 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 27, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor