

CHAPTER 428

H.B. No. 1009

AN ACT

relating to the recovery by certain state agencies and certain municipalities of the costs of providing copies of or access to public records.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITIONS. In Sections 2 through 4 of this Act:

(1) "State agency" has the meaning assigned by Sections 1.02(2)(A) and (C), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

(2) "Commission" means the General Services Commission.

(3) "Public records" has the meaning assigned by Section 2(2), Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

SECTION 2. STUDY AND REPORT BY COMMISSION. (a) The commission shall conduct a study of the charges made by state agencies for copies of public records.

(b) The attorney general, comptroller, Department of Public Safety, Department of Information Resources, Texas Department of Human Services, and Texas State Board of Public Accountancy shall help conduct the study.

(c) The commission shall prepare a report of its findings under the study and shall provide a copy of the report to each state agency before December 1, 1993.

(d) The commission shall revise and update the report biennially.

SECTION 3. REVIEW AND REPORT BY AGENCIES. (a) Each state agency shall review its processes for providing access to and copies of public records and shall analyze the charges the agency makes for the copies.

(b) A state agency shall prepare a report of its review and analysis and shall provide a copy of the report to the commission, the Legislative Budget Board, and the comptroller before May 1, 1994.

(c) The commission shall assist a state agency without accounting expertise in making the review and analysis required by this section.

(d) Before the 30th day after the date on which a regular session of the legislature convenes, each state agency shall issue a report that describes the agency's procedures for charging and collecting fees for copies of public records.

SECTION 4. TEMPORARY INCREASE IN CHARGES. (a) On September 1, 1993, each state agency shall:

(1) increase by 15 percent the amount of any charge the agency has in place for providing a copy of a public record; and

(2) increase by 25 percent the amount of any charge the agency has in place for providing a copy of a mailing list.

(b) An increase in the amount that an agency charges for providing a copy imposed under Subsection (a) of this section remains in effect only until the agency adopts the rules required by Section 9A, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

(c) This section does not apply to information in driver's license records of the Department of Public Safety.

SECTION 5. CHARGES BY STATE AGENCY. Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by adding Section 9A to read as follows:

Sec. 9A. CHARGES FOR PUBLIC RECORDS BY STATE AGENCY. (a) The General Services Commission by rule shall specify the methods and procedures that a state agency may use in determining the amounts that the agency should charge to recover the full cost to the agency of providing copies of public records under this Act.

(b) Each state agency by rule shall specify the charges the agency will make for copies of public records. A state agency may establish a charge for a copy of a public record that is equal to the full cost to the agency of providing the copy.

(c)(1) A state agency shall pay to the comptroller for deposit in an unobligated account designated by the comptroller in the general revenue fund all money collected by the agency for providing copies of public records.

(2) Of the total amount of money deposited in the general revenue fund under Subdivision (1) of this subsection, the comptroller may transfer 25 percent of the money collected for providing copies of mailing lists, and 15 percent of the money collected for providing copies of other public records, to the general revenue fund.

(3) The comptroller shall adopt rules to administer this subsection.

(d) This section is cumulative of Section 9 of this Act.

(e) In this section, "state agency" has the meaning assigned by Sections 1.02(2)(A) and (C), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION 6. Chapter 324, Government Code, is amended by adding Section 324.010 to read as follows:

Sec. 324.010. COPY COSTS; FORMAT. The library has exclusive authority to determine the charge for copies or reproduction of records in the custody of the library. The library may reproduce records in a format such as CD-ROM, another computer-readable format, or any other format determined by the library and provide records in that format for a charge determined by the library.

SECTION 7. Section 253.007, Local Government Code, as enacted by H.B. 1408, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this section, this section does not apply to the cost of production for public inspection or copying of public records collected, assembled, or maintained through use of the software, which cost is governed by Section 9, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), without regard to the cost of developing the software.

SECTION 8. REPEALER. Sections 403.301 and 403.302, Government Code, are repealed.

SECTION 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 7, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1009 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 21, 1993: Yeas 31, Nays 0.

Approved June 6, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.