

CHAPTER 964

S.B. No. 560

AN ACT

relating to costs incurred by governmental bodies in supplying certain public information and to public access to certain information.

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

SECTION 1. Subsections (a) and (b), Section 9, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive. The State Board of Control shall from time to time determine the actual cost of standard size reproductions and shall periodically publish these cost figures for use by agencies in determining charges to be made pursuant to this Act. *The cost of obtaining a standard or legal size photographic reproduction shall be in an amount that reasonably includes all costs related to reproducing the record, including costs of materials, labor, and overhead unless the request is for 50 pages or less of readily available information.*

(b) Charges made for access to public records comprised in any form other than up to standard sized pages or in computer record banks, microfilm records, or other similar record keeping systems, shall be set upon consultation between the custodian of the records and the State Board of Control, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records. *The costs of providing the record shall be in an amount that reasonably includes all costs related to providing the record, including costs of materials, labor, and overhead.*

SECTION 2. Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by adding Section 4A to read as follows:

Sec. 4A. EXAMINATION OF PUBLIC INFORMATION. (a) A person requesting public information must complete the examination of the information within 10 days after the date the custodian of the information makes it available to the person.

(b) The custodian shall extend the initial examination period by an additional 10 days if, within the initial period, the person requesting the information files with the custodian a written request for additional time. The custodian shall extend an additional examination period by another 10 days if, within the additional period, the person requesting the information files with the custodian a written request for more additional time.

(c) The time during which a person may examine information may be interrupted by the custodian if the information is needed for use by the governmental body. The period of interruption is not considered to be a part of the time during which the person may examine the information.

SECTION 3. Subsection (b), Section 5, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Neither the custodian nor his agent who controls the use of public records shall make any inquiry of any person who applies for inspection or copying of public records beyond the purpose of establishing proper identification and the public records being requested *or establishing whether the custodian is authorized under Subsection (e) of Section 4A of this Act to refuse to honor the request for the records.* ~~The~~ ~~and~~ ~~the~~

custodian or his agent shall give, grant, and extend to the person requesting public records all reasonable comfort and facility for the full exercise of the right granted by this Act.

SECTION 4. Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), is amended by adding Subsection (r) to read as follows:

(r) This Act does not prohibit the board of regents or other governing body of an institution of higher education, as defined by Section 61.003 of the Education Code, from holding an open or executive meeting by telephone conference call. Each part of a meeting that is required to be open to the public and that is held by a conference call must be available to be heard by the public at the normal meeting place for the board of regents or, in the case of Systems, the board of regents conference room at the System office and must be tape recorded. The tape recording must be made available to the public. A meeting held by conference call is subject to the same notice requirements that apply to other meetings. For purposes of the notice, the place of the meeting by conference call is considered to be the normal meeting place for the board of regents or, in the case of Systems, the board of regents conference room at the System office. Telephone conference calls shall be restricted to special called meetings requiring immediate action when it is otherwise difficult or impossible to convene a quorum of the board of regents in one location.

SECTION 5. 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 the Senate on April 23, 1987, by the following vote: Yeas 31, Nays 0; June 1, 1987, Senate refused to concur in House amendments and requested appointment of Conference Committee; June 1, 1987, House granted request of the Senate; June 1, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. Passed the House, with amendments, on May 29, 1987, by a non-record vote; June 1, 1987, House granted request of the Senate for appointment of Conference Committee; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.