

1-1 By: Huffman S.B. No. 494  
 1-2 (In the Senate - Filed January 28, 2019; February 14, 2019,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 9, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2019,  
 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. 494 By: Nichols

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

1-21 relating to certain procedures applicable to meetings under the  
 1-22 open meetings law and the disclosure of public information under  
 1-23 the public information law in the event of an emergency, urgent  
 1-24 public necessity, or catastrophic event.

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

1-26 SECTION 1. Section 551.045, Government Code, is amended by  
 1-27 amending Subsections (a), (b), and (e) and adding Subsection (a-1)  
 1-28 to read as follows:

1-29 (a) In an emergency or when there is an urgent public  
 1-30 necessity, the notice of a meeting to deliberate or take action on  
 1-31 the emergency or urgent public necessity, or the supplemental  
 1-32 notice to add the deliberation or taking of action on the emergency  
 1-33 or urgent public necessity as an item to the agenda ~~[of a subject~~  
 1-34 ~~added as an item to the agenda]~~ for a meeting for which notice has  
 1-35 been posted in accordance with this subchapter, is sufficient if  
 1-36 the notice or supplemental notice ~~[it]~~ is posted for at least one  
 1-37 hour ~~[two hours]~~ before the meeting is convened.

1-38 (a-1) A governmental body may not deliberate or take action  
 1-39 on a matter at a meeting for which notice or supplemental notice is  
 1-40 posted under Subsection (a) other than:

1-41 (1) a matter directly related to responding to the  
 1-42 emergency or urgent public necessity identified in the notice or  
 1-43 supplemental notice of the meeting as provided by Subsection (c);  
 1-44 or

1-45 (2) an agenda item listed on a notice of the meeting  
 1-46 before the supplemental notice was posted.

1-47 (b) An emergency or an urgent public necessity exists only  
 1-48 if immediate action is required of a governmental body because of:

1-49 (1) an imminent threat to public health and safety,  
 1-50 including a threat described by Subdivision (2) if imminent; or

1-51 (2) a reasonably unforeseeable situation, including:  
 1-52 (A) fire, flood, earthquake, hurricane, tornado,  
 1-53 or wind, rain, or snow storm;

1-54 (B) power failure, transportation failure, or  
 1-55 interruption of communication facilities;

1-56 (C) epidemic; or

1-57 (D) riot, civil disturbance, enemy attack, or  
 1-58 other actual or threatened act of lawlessness or violence.

1-59 (e) For purposes of Subsection (b)(2), the sudden  
 1-60 relocation of a large number of residents from the area of a

2-1 declared disaster to a governmental body's jurisdiction is  
2-2 considered a reasonably unforeseeable situation for a reasonable  
2-3 period immediately following the relocation. [~~Notice of an  
2-4 emergency meeting or supplemental notice of an emergency item added  
2-5 to the agenda of a meeting to address a situation described by this  
2-6 subsection must be given to members of the news media as provided by  
2-7 Section 551.047 not later than one hour before the meeting.~~]

2-8 SECTION 2. Section 551.047(c), Government Code, is amended  
2-9 to read as follows:

2-10 (c) The presiding officer or member shall give the notice by  
2-11 telephone, facsimile transmission, or electronic mail at least one  
2-12 hour before the meeting is convened.

2-13 SECTION 3. Section 551.142, Government Code, is amended by  
2-14 adding Subsections (c) and (d) to read as follows:

2-15 (c) The attorney general may bring an action by mandamus or  
2-16 injunction to stop, prevent, or reverse a violation or threatened  
2-17 violation of Section 551.045(a-1) by members of a governmental  
2-18 body.

2-19 (d) A suit filed by the attorney general under Subsection  
2-20 (c) must be filed in a district court of Travis County.

2-21 SECTION 4. Subchapter E, Chapter 552, Government Code, is  
2-22 amended by adding Section 552.233 to read as follows:

2-23 Sec. 552.233. TEMPORARY SUSPENSION OF REQUIREMENTS FOR  
2-24 GOVERNMENTAL BODY IMPACTED BY CATASTROPHE. (a) In this section:

2-25 (1) "Catastrophe" means a condition or occurrence that  
2-26 interferes with the ability of a governmental body to comply with  
2-27 the requirements of this chapter, including:

2-28 (A) fire, flood, earthquake, hurricane, tornado,  
2-29 or wind, rain, or snow storm;

2-30 (B) power failure, transportation failure, or  
2-31 interruption of communication facilities;

2-32 (C) epidemic; or

2-33 (D) riot, civil disturbance, enemy attack, or  
2-34 other actual or threatened act of lawlessness or violence.

2-35 (2) "Suspension period" means the period of time  
2-36 during which a governmental body may suspend the applicability of  
2-37 the requirements of this chapter to the governmental body under  
2-38 this section.

2-39 (b) The requirements of this chapter do not apply to a  
2-40 governmental body during the suspension period determined by the  
2-41 governmental body under Subsections (d) and (e) if the governmental  
2-42 body:

2-43 (1) is currently impacted by a catastrophe; and

2-44 (2) complies with the requirements of this section.

2-45 (c) A governmental body that elects to suspend the  
2-46 applicability of the requirements of this chapter to the  
2-47 governmental body must submit notice to the office of the attorney  
2-48 general that the governmental body is currently impacted by a  
2-49 catastrophe and has elected to suspend the applicability of those  
2-50 requirements during the initial suspension period determined under  
2-51 Subsection (d). The notice must be on the form prescribed by the  
2-52 office of the attorney general under Subsection (j).

2-53 (d) A governmental body may suspend the applicability of the  
2-54 requirements of this chapter to the governmental body for an  
2-55 initial suspension period. The initial suspension period may not  
2-56 exceed seven consecutive days and must occur during the period  
2-57 that:

2-58 (1) begins not earlier than the second day before the  
2-59 date the governmental body submits notice to the office of the  
2-60 attorney general under Subsection (c); and

2-61 (2) ends not later than the seventh day after the date  
2-62 the governmental body submits that notice.

2-63 (e) A governmental body may extend an initial suspension  
2-64 period if the governing body determines that the governing body is  
2-65 still impacted by the catastrophe on which the initial suspension  
2-66 period was based. The initial suspension period may be extended one  
2-67 time for not more than seven consecutive days that begin on the day  
2-68 following the day the initial suspension period ends. The  
2-69 governing body must submit notice of the extension to the office of

3-1 the attorney general on the form prescribed by the office under  
3-2 Subsection (j).

3-3 (f) A governmental body that suspends the applicability of  
3-4 the requirements of this chapter to the governmental body under  
3-5 this section must provide notice to the public of the suspension in  
3-6 a place readily accessible to the public and in each other location  
3-7 the governmental body is required to post a notice under Subchapter  
3-8 C, Chapter 551. The governmental body must maintain the notice of  
3-9 the suspension during the suspension period.

3-10 (g) Notwithstanding another provision of this chapter, a  
3-11 request for public information received by a governmental body  
3-12 during a suspension period determined by the governmental body is  
3-13 considered to have been received by the governmental body on the  
3-14 first business day after the date the suspension period ends.

3-15 (h) The requirements of this chapter related to a request  
3-16 for public information received by a governmental body before the  
3-17 date an initial suspension period determined by the governmental  
3-18 body begins are tolled until the first business day after the date  
3-19 the suspension period ends.

3-20 (i) The office of the attorney general shall continuously  
3-21 post on the Internet website of the office each notice submitted to  
3-22 the office under this section from the date the office receives the  
3-23 notice until the first anniversary of that date.

3-24 (j) The office of the attorney general shall prescribe the  
3-25 form of the notice that a governmental body must submit to the  
3-26 office under Subsections (c) and (e). The notice must require the  
3-27 governmental body to:

3-28 (1) identify and describe the catastrophe that the  
3-29 governmental body is currently impacted by;

3-30 (2) state the date the initial suspension period  
3-31 determined by the governmental body under Subsection (d) begins and  
3-32 the date that period ends;

3-33 (3) if the governmental body has determined to extend  
3-34 the initial suspension period under Subsection (e):

3-35 (A) state that the governmental body continues to  
3-36 be impacted by the catastrophe identified in Subdivision (1); and

3-37 (B) state the date the extension to the initial  
3-38 suspension period begins and the date the period ends; and

3-39 (4) provide any other information the office of the  
3-40 attorney general determines necessary.

3-41 SECTION 5. As soon as practicable after this Act becomes law  
3-42 as provided by Section 2001.006, Government Code, the office of the  
3-43 attorney general shall prescribe the form of the notice required by  
3-44 Section 552.233(j), Government Code, as added by this Act.

3-45 SECTION 6. Sections 551.045 and 551.047, Government Code,  
3-46 as amended by this Act, apply only to a meeting held on or after the  
3-47 effective date of this Act. A meeting held before the effective  
3-48 date of this Act is governed by the law in effect immediately before  
3-49 the effective date of this Act, and the former law is continued in  
3-50 effect for that purpose.

3-51 SECTION 7. This Act takes effect September 1, 2019.

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