

BILL ANALYSIS

C.S.H.B. 1416
By: Capriglione
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Guidance from the attorney general's office states that in addition to holidays and weekends, so-called skeleton crew days also are not business days with regard to handling of public information requests. There have been reports of governmental entities using this guidance to justify not taking action on public information requests during the COVID-19 pandemic because these entities' offices are physically closed. However, these same entities still have full staff on duty working remotely with employees still earning their full taxpayer-funded salaries. Many, if not all, requested records are accessible electronically and could still be provided while employees work remotely. C.S.H.B. 1416 seeks to ensure that the attorney general's advice regarding skeleton crew days is not abused and used as a basis to not respond to public information requests by clarifying in statute which days constitute a business day under state public information law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1416 amends the Government Code to define "business day" for purposes of state public information law as a day other than a Saturday, Sunday, or a day designated under state law as a state or national holiday. The bill provides that a day designated as an optional holiday is not a business day of a governmental body if the body's public information officer observes the applicable holiday. Additionally, a holiday established by the governing body of a public institution of higher education is not a business day of the institution.

C.S.H.B. 1416 provides that a day designated as a non-business day under the bill by the governing body of an independent school district or a public institution of higher education is not a business day of the district or institution. The bill limits the number of non-business days a district's or institution's governing body may designate under these provisions to not more than 20 each calendar year. The bill requires a district or institution to post a list of the non-business days for a calendar year on its website on or before the first day of the school or academic year during which the calendar year begins.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1416 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not in the original relating to optional state holidays and holidays established by a public institution of higher education that are not to be considered as business days.

The substitute includes provisions not in the original relating to the designation of non-business days by school districts and public institutions of higher education.

The substitute updates a reference to the statute under which state holidays are designated.