By:  Huffman S.B. No. 1225

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a governmental body impacted by a catastrophe to temporarily suspend the requirements of the public information law.

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

SECTION 1.  Section 552.233, Government Code, as added by Chapter 462 (S.B. 494), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a)  In this section:

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

(A)  fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

(B)  power failure, transportation failure, or interruption of communication facilities;

(C)  epidemic; or

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

(2)  "Catastrophe" does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed.

(3)  "Suspension period" means the period of time during which a governmental body may suspend the applicability of the requirements of this chapter to the governmental body under this section.

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

(1)  is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of a governmental body to comply with the requirements of this chapter; and

(2)  complies with the requirements of this section.

(d)  A governmental body may suspend the applicability of the requirements of this chapter to the governmental body for an initial suspension period. The governmental body may suspend the applicability of the requirements of this chapter under this subsection only once for each catastrophe. The initial suspension period may not exceed seven consecutive days and must occur during the period that:

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

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

(e)  A governmental body may extend an initial suspension period if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends. The governing body must submit notice of the extension to the office of the attorney general on the form prescribed by the office under Subsection (l) [~~(j)~~].

(f)  A governmental body that initiates a suspension period under Subsection (d) may not initiate another suspension period related to the same catastrophe, except for a single extension period as prescribed in Subsection (e).

(g)  The combined suspension period for a governmental body filing under Subsections (d) and (e) may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

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

(i) [~~(g)~~]  Notwithstanding another provision of this chapter, a request for public information received by a governmental body during a suspension period determined by the governmental body is considered to have been received by the governmental body on the first business day after the date the suspension period ends.

(j) [~~(h)~~]  The requirements of this chapter related to a request for public information received by a governmental body before the date an initial suspension period determined by the governmental body begins are tolled until the first business day after the date the suspension period ends.

(k) [~~(i)~~]  The office of the attorney general shall continuously post on the Internet website of the office each notice submitted to the office under this section from the date the office receives the notice until the first anniversary of that date.

(l) [~~(j)~~]  The office of the attorney general shall prescribe the form of the notice that a governmental body must submit to the office under Subsections (c) and (e). The notice must require the governmental body to:

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

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

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

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

(B)  state the date the extension to the initial suspension period begins and the date the period ends; and

(4)  provide any other information the office of the attorney general determines necessary.

(m)  Upon conclusion of any suspension period initiated pursuant to Subsections (d) or (e), the governmental body shall immediately resume compliance with all requirements of this chapter.

SECTION 2.  Section 552.2211 is added to read as follows:

Sec. 552.2211.  PRODUCTION OF PUBLIC INFORMATION WHEN ADMINISTRATIVE OFFICES CLOSED. (a) Except as provided by Section 552.233, if a governmental body closes its physical offices, but requires staff to work, including remotely, then the governmental body shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application, pursuant to this chapter while its administrative offices are closed.

(b)  Failure to respond to requests in accordance with Subsection (a) may constitute a refusal to request an attorney general's decision as provided by Subchapter G or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure under Subchapter C as described by Subsection 552.321(a).

SECTION 3.  This Act takes effect September 1, 2021.