

By: Paddie, Raymond

H.B. No. 3627

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. Sections 552.233, Government Code, as added by Chapter 462 (S.B. 494), Acts of the 86th Legislature, Regular Session, 2019, are 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

1 during which a governmental body may suspend the applicability of
2 the requirements of this chapter to the governmental body under
3 this section.

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

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

12 (2) complies with the requirements of this section.

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

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

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

25 (e) A governmental body may extend an initial suspension
26 period if the governing body determines that the governing body is
27 still impacted by the catastrophe on which the initial suspension

1 period was based. The initial suspension period may be extended one
2 time for not more than seven consecutive days that begin on the day
3 following the day the initial suspension period ends. The
4 governing body must submit notice of the extension to the office of
5 the attorney general on the form prescribed by the office under
6 Subsection ~~(j)~~(l).

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

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

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

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

26 ~~(h)~~(j) The requirements of this chapter related to a request
27 for public information received by a governmental body before the

1 date an initial suspension period determined by the governmental
2 body begins are tolled until the first business day after the date
3 the suspension period ends.

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

8 ~~(j)~~(1) The office of the attorney general shall prescribe
9 the form of the notice that a governmental body must submit to the
10 office under Subsections (c) and (e). The notice must require the
11 governmental body to:

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

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

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

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

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

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

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

1 chapter.

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

3 Sec. 552.2211. PRODUCTION OF PUBLIC INFORMATION WHEN
4 ADMINISTRATIVE OFFICES CLOSED. (a) Except as provided by section
5 552.233, if a governmental body closes its physical offices, but
6 requires staff to work, including remotely, then the governmental
7 body shall make a good faith effort to continue responding to
8 applications for public information, to the extent staff have
9 access to public information responsive to an application, pursuant
10 to this chapter while its administrative offices are closed.

11 (b) Failure to respond to requests in accordance with
12 subsection (a) may constitute a refusal to request an attorney
13 general's decision as provided by Subchapter G or a refusal to
14 supply public information or information that the attorney general
15 has determined is public information that is not excepted from
16 disclosure under Subchapter C as described by subsection
17 552.321(a).

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