

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

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 (l) [~~(j)~~].

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

27 (j) [~~(h)~~] The requirements of this chapter related to a

1 request for public information received by a governmental body  
2 before the date an initial suspension period determined by the  
3 governmental body begins are tolled until the first business day  
4 after the date the suspension period ends.

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

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

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

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

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

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

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

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

26 (m) Upon conclusion of any suspension period initiated  
27 pursuant to Subsections (d) or (e), the governmental body shall

1 immediately resume compliance with all requirements of this  
2 chapter.

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

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

12 (b) Failure to respond to requests in accordance with  
13 Subsection (a) may constitute a refusal to request an attorney  
14 general's decision as provided by Subchapter G or a refusal to  
15 supply public information or information that the attorney general  
16 has determined is public information that is not excepted from  
17 disclosure under Subchapter C as described by Subsection  
18 552.321(a).

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