

1-1 By: Huffman S.B. No. 1225
1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 April 23, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the authority of a governmental body impacted by a
1-20 catastrophe to temporarily suspend the requirements of the public
1-21 information law.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 552.233, Government Code, as added by
1-24 Chapter 462 (S.B. 494), Acts of the 86th Legislature, Regular
1-25 Session, 2019, is amended to read as follows:

1-26 (a) In this section:

1-27 (1) "Catastrophe" means a condition or occurrence that
1-28 directly interferes with the ability of a governmental body to
1-29 comply with the requirements of this chapter, including:

1-30 (A) fire, flood, earthquake, hurricane, tornado,
1-31 or wind, rain, or snow storm;

1-32 (B) power failure, transportation failure, or
1-33 interruption of communication facilities;

1-34 (C) epidemic; or

1-35 (D) riot, civil disturbance, enemy attack, or
1-36 other actual or threatened act of lawlessness or violence.

1-37 (2) "Catastrophe" does not mean a period when staff is
1-38 required to work remotely and can access information responsive to
1-39 an application for information electronically, but the physical
1-40 office of the governmental body is closed.

1-41 (3) "Suspension period" means the period of time
1-42 during which a governmental body may suspend the applicability of
1-43 the requirements of this chapter to the governmental body under
1-44 this section.

1-45 (b) The requirements of this chapter do not apply to a
1-46 governmental body during the suspension period determined by the
1-47 governmental body under Subsections (d) and (e) if the governmental
1-48 body:

1-49 (1) is currently significantly impacted by a
1-50 catastrophe such that the catastrophe directly causes the inability
1-51 of a governmental body to comply with the requirements of this
1-52 chapter; and

1-53 (2) complies with the requirements of this section.

1-54 (d) A governmental body may suspend the applicability of the
1-55 requirements of this chapter to the governmental body for an
1-56 initial suspension period. The governmental body may suspend the
1-57 applicability of the requirements of this chapter under this
1-58 subsection only once for each catastrophe. The initial suspension
1-59 period may not exceed seven consecutive days and must occur during
1-60 the period that:

1-61 (1) begins not earlier than the second day before the

2-1 date the governmental body submits notice to the office of the
2-2 attorney general under Subsection (c); and

2-3 (2) ends not later than the seventh day after the date
2-4 the governmental body submits that notice.

2-5 (e) A governmental body may extend an initial suspension
2-6 period if the governing body determines that the governing body is
2-7 still impacted by the catastrophe on which the initial suspension
2-8 period was based. The initial suspension period may be extended one
2-9 time for not more than seven consecutive days that begin on the day
2-10 following the day the initial suspension period ends. The
2-11 governing body must submit notice of the extension to the office of
2-12 the attorney general on the form prescribed by the office under
2-13 Subsection (1)~~(j)~~.

2-14 (f) A governmental body that initiates a suspension period
2-15 under Subsection (d) may not initiate another suspension period
2-16 related to the same catastrophe, except for a single extension
2-17 period as prescribed in Subsection (e).

2-18 (g) The combined suspension period for a governmental body
2-19 filing under Subsections (d) and (e) may not exceed a total of 14
2-20 consecutive calendar days with respect to any single catastrophe.

2-21 (h) A governmental body that suspends the applicability of
2-22 the requirements of this chapter to the governmental body under
2-23 this section must provide notice to the public of the suspension in
2-24 a place readily accessible to the public and in each other location
2-25 the governmental body is required to post a notice under Subchapter
2-26 C, Chapter 551. The governmental body must maintain the notice of
2-27 the suspension during the suspension period.

2-28 (i)~~(g)~~ Notwithstanding another provision of this chapter,
2-29 a request for public information received by a governmental body
2-30 during a suspension period determined by the governmental body is
2-31 considered to have been received by the governmental body on the
2-32 first business day after the date the suspension period ends.

2-33 (j)~~(h)~~ The requirements of this chapter related to a
2-34 request for public information received by a governmental body
2-35 before the date an initial suspension period determined by the
2-36 governmental body begins are tolled until the first business day
2-37 after the date the suspension period ends.

2-38 (k)~~(i)~~ The office of the attorney general shall
2-39 continuously post on the Internet website of the office each notice
2-40 submitted to the office under this section from the date the office
2-41 receives the notice until the first anniversary of that date.

2-42 (l)~~(j)~~ The office of the attorney general shall prescribe
2-43 the form of the notice that a governmental body must submit to the
2-44 office under Subsections (c) and (e). The notice must require the
2-45 governmental body to:

2-46 (1) identify and describe the catastrophe that the
2-47 governmental body is currently impacted by;

2-48 (2) state the date the initial suspension period
2-49 determined by the governmental body under Subsection (d) begins and
2-50 the date that period ends;

2-51 (3) if the governmental body has determined to extend
2-52 the initial suspension period under Subsection (e):

2-53 (A) state that the governmental body continues to
2-54 be impacted by the catastrophe identified in Subdivision (1); and

2-55 (B) state the date the extension to the initial
2-56 suspension period begins and the date the period ends; and

2-57 (4) provide any other information the office of the
2-58 attorney general determines necessary.

2-59 (m) Upon conclusion of any suspension period initiated
2-60 pursuant to Subsections (d) or (e), the governmental body shall
2-61 immediately resume compliance with all requirements of this
2-62 chapter.

2-63 SECTION 2. Section 552.2211 is added to read as follows:

2-64 Sec. 552.2211. PRODUCTION OF PUBLIC INFORMATION WHEN
2-65 ADMINISTRATIVE OFFICES CLOSED. (a) Except as provided by Section
2-66 552.233, if a governmental body closes its physical offices, but
2-67 requires staff to work, including remotely, then the governmental
2-68 body shall make a good faith effort to continue responding to
2-69 applications for public information, to the extent staff have

3-1 access to public information responsive to an application, pursuant
3-2 to this chapter while its administrative offices are closed.

3-3 (b) Failure to respond to requests in accordance with
3-4 Subsection (a) may constitute a refusal to request an attorney
3-5 general's decision as provided by Subchapter G or a refusal to
3-6 supply public information or information that the attorney general
3-7 has determined is public information that is not excepted from
3-8 disclosure under Subchapter C as described by Subsection
3-9 552.321(a).

3-10 SECTION 3. This Act takes effect September 1, 2021.

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