

# Update for Texas Administrative Agencies *from the 87<sup>th</sup> Legislative Session*

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# SB 1225 Suspending PIA Responses During a Catastrophe

- Governmental entities may suspend responding to PIA requests for 7 days by filing a “catastrophe notice” with OAG’s Open Records Division.
- During COVID-19, some governmental entities filed multiple such notices, blocking access to information for long periods.
- SB 1225 amends Government Code Chapter 552 to specify that PIA suspension during a catastrophe:
  - is available only when the catastrophe directly causes the inability to comply with the PIA;
  - is allowed only once per catastrophe, with a single extension possible (for a total maximum extension of 14 days); and,
  - is not available when governmental bodies are required to work remotely but can still electronically access requested information and otherwise respond to PIA requests.

# SB 282

## Prohibiting Use of Public Money to Pay Sexual Harassment Claims

- Prohibits state agencies from using appropriated money to settle or pay a sexual harassment claim against
  - (1) an elected member of the executive, legislative, or judicial branch;
  - (2) a person appointed by the governor to serve as a member of a department, commission, board, or other public office within the executive, legislative, or judicial branch of state government; or
  - (3) staff of (1) or (2).

# SB 800 Updating Agency Reporting Requirements

- The 79th Legislature required the Texas State Library and Archives Commission to prepare a study of all required agency reports, including an assessment by the entities receiving each report of the report's usefulness.
- SB 800 streamlines agency reporting requirements by repealing obsolete reports, reducing frequency of some reports, and redirecting some reports to relevant recipients.
- Be aware of any impact on your agency/client(s).

# HB 1493

## Remedies for Use of an Entity Name Falsely Implying Government Affiliation

- Current law prohibits registration with the Secretary of State (SOS) of an entity name falsely implying governmental affiliation.
- HB 1493 established two paths to prevent use of an entity name falsely implying governmental affiliation. A governmental unit may—
  - Sue for a statewide injunction against the entity's use of the name. Civ. Prac. & Rem. Code § 150C.002.
  - Submit a written request to SOS stating why the name falsely implies governmental affiliation. Bus. & Comm. Code § 5.065.

# HB 1493

## Remedies for Use of an Entity Name Falsely Implying Government Affiliation

- On receipt of a written submission under Bus. & Comm. Code § 5.065, SOS will assess the request in consultation with the OAG.
- If SOS determines the name falsely implies governmental affiliation, it must notify the entity, which has 60 days to respond.
- Within 90 days after SOS determines a name falsely implies governmental affiliation, the entity must cease using the name and file an instrument with SOS amending the entity name.
  - If the entity fails to do so, OAG can sue for injunctive relief and attorney's fees in Travis County district court.
- Relief is available for 8 years after SOS accepts a filing instrument with an entity name falsely implying government affiliation.

# HB 1927

## Permitless Handgun Carry

- Makes it legal for any person 21 or older to carry a handgun, either concealed or openly in a holster, in a manner consistent with state and federal law without first obtaining a handgun license, provided the person—
  - is not otherwise prohibited from possessing a firearm; and,
  - has not been convicted of certain offenses within the preceding five years.
- Concealed handgun licenses remain available through DPS, and license holders enjoy certain benefits including—
  - reciprocity with other states; and,
  - ability to carry at additional locations.

# HB 1927

## Permitless Handgun Carry

- Under HB 1927, a person who does not have a handgun license but is not otherwise prohibited by law from carrying a handgun may not carry “in the room or rooms where a meeting of a governmental entity is held, if the meeting is subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.” Penal Code § 46.03(a)(14).
  - Prior to HB 1927, this was the rule for those *with* a license to carry.
- Now, a person with a valid handgun license may carry pursuant to that license at government open meetings. Penal Code § 46.15(b)(6).



# HB 1927

## Permitless Handgun Carry

- **Private buildings and businesses may still prohibit handguns.**
  - They must post notice under Penal Code §§ 30.06 (concealed handguns) and 30.07 (openly carried handguns).
- **This does not apply to property owned or leased by a state agency or a political subdivision of the State—**

*“a state agency or a political subdivision of the state may not take any action, including . . . the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.” Gov’t Code § 411.209(a).*

Questions?