

BILL ANALYSIS

H.B. 4085
By: Bonnen
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to provide for the meeting of commissioners courts during a declared state of disaster or emergency to facilitate the deliberation of relevant public safety matters. H.B. 4085 seeks to address this issue by authorizing the commissioners court of a county to hold an open or closed meeting, including by telephone conference, during a disaster or emergency and providing for the public notice of and participation in the meeting, as applicable.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4085 amends the Government Code to authorize a commissioners court of a county for which the governor has issued an executive order or proclamation declaring a state of disaster or a state of emergency and in which transportation to the meeting location is dangerous or difficult as a result of the disaster or emergency to hold an open or closed meeting, including a telephone conference call, solely to deliberate about disaster or emergency conditions and related public safety matters that require an immediate response without complying with the requirements of state open meetings law, including the requirement to provide notice before the meeting or to first convene in an open meeting.

H.B. 4085 requires the commissioners court, to the extent practicable under the circumstances, to provide reasonable public notice of such a meeting and, if the meeting is an open meeting, to allow members of the public and the press to observe the meeting. The bill prohibits the commissioners court from voting or taking final action on a matter during the meeting and requires the commissioners court to prepare and keep minutes or a recording of the meeting and make the minutes or recording available to the public as soon as practicable.

The provisions of H.B. 4085 expire September 1, 2027.

EFFECTIVE DATE

September 1, 2021.