

SUBJECT: Open meetings for sports and community venue districts

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Wolens, S. Turner, Alvarado, Bailey, Brimer, Counts, Craddick, Danburg, Hunter, McCall, Merritt

0 nays

4 absent — Hilbert, D. Jones, Longoria, Marchant

WITNESSES: None

BACKGROUND: HB 92 by Brimer, enacted in 1997, provides a mechanism for cities and counties to build sports and community venue projects and related infrastructures. Districts organized for this purpose may issue bonds and finance them with various funding mechanisms, including sales, admissions, parking, rental car, hotel occupancy, and facility use taxes. Such districts are subject to the Open Meetings Act, Government Code, chapter 551.

DIGEST: HB 2114 would specify that a board or committee of a board of a sports or community venue district is considered to be meeting if a quorum of the board gathers and discusses public business or public policy over which the board or committee has control, regardless of whether a deliberation occurs. Any such gathering would be subject to the requirements of the Open Meetings Act. A gathering of a quorum of the members at a social function would not be subject to the Open Meetings Act.

A committee of the board of a sports or community venue district would be considered a governmental body for purposes of the Open Meetings Act regardless of its function or powers. The staff briefings exception to the Open Meetings Act, which allows a governmental body to receive information from employees in a closed meeting if no deliberation occurred, would not apply to a board or committee of a sports or community venue district.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

Sports and community venue districts are governmental bodies within the meaning of the Open Meetings Act and should have to conduct their business in view of the public. Recent actions by one sports authority have called into question the requirement that deliberation must occur in order for the board or a committee of a board to be considered in an open meeting. These boards hold many meetings for the purpose of receiving information from third parties. While deliberations of the board might not occur in such meetings, the information presented is vital to the decisions that the board may make and should be open to the public.

This bill would remove any misunderstanding about the intent of the law that subjects sports or community venue districts to the Open Meetings Act. It would ensure that all business conducted by these bodies, except where specifically excepted by the Open Meetings Act, would take place in public view. It would eliminate the staff briefings exception as it applies to sports or community venue districts, clearing up any confusion over whether such briefings are open to the public.

The Harris County-Houston Sports Authority has been criticized for its reliance on the staff briefings exception to hold closed meetings. Critics claimed that the authority's actions violated both the spirit and actual text of the Open Meeting Act.

**OPPONENTS
SAY:**

Sports and community venue districts should not be singled out and subjected to different standards from those that apply to every other governmental body in regard to open meetings. If the staff briefings exception is an unacceptable exception to open meetings law, that section of the law should be repealed for all governmental bodies, not just for one type of body. The district that was criticized for its use of that exception followed the law and the interpretation of that law by a Texas court of appeals.

NOTES:

A related bill, HB 156 by Wolens, which would eliminate the staff briefings exception to the Open Meetings Act, passed the House on April 13 and has been referred to the Senate State Affairs Committee.