

SUBJECT: Shorter notice requirements for meeting to consider evacuee relocation

COMMITTEE: Defense Affairs and State-Federal Relations — favorable, without amendment

VOTE: 7 ayes — Corte, Escobar, Noriega, Garcia, Herrero, Hodge, Merritt
0 nays
2 absent — Moreno, Raymond

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Leilah Powell, Bexar County Commissioners Court
Against — None

BACKGROUND: Government Code, ch. 551 regulates open meetings requirements for governmental bodies. Sec. 551.043 requires a meeting of a governmental body to be posted publicly for at least 72 hours before the scheduled time of the meeting. Under sec. 551.045, in the case of an emergency or when there is an urgent public necessity, the notice of a meeting is sufficient if it is posted for at least two hours before the meeting is convened. Under subsec. 551.045(b), an emergency or urgent public necessity only exists because of an imminent threat to public health and safety or a reasonably unforeseeable situation.

DIGEST: SB 1499 would specify that the sudden relocation of a large number of residents from the area of a declared disaster to the jurisdiction of a governmental body would be considered a reasonably unforeseeable situation under the emergency exception to state open meetings posting requirements.

Notice of a meeting or supplemental notice of the addition of an emergency item added to the agenda of a meeting to address the relocation of residents would have to be given to members of the news media at least one hour before the meeting.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 1499 would specify that the relocation of evacuees from an area affected by natural disaster to a local jurisdiction qualified as an emergency under the posting requirements of the Texas open meetings law. After Hurricanes Katrina and Rita, several Texas cities were designated as hubs to receive and temporarily absorb evacuees from the affected areas. Governmental jurisdictions struggled to hold public meetings in order to plan for the influx of evacuees while also providing the 72 hours of notice for any public meeting related to the event as required under law. The bill specifically would classify such an event as a reasonably unforeseeable situation, allowing a governmental body charged with receiving evacuees to conduct the necessary planning for such an event in a public meeting on a short notice as appropriate.

Preparation by a governmental body due to receive a mass evacuation requires extensive public safety and logistical planning, often requiring approval to expend funds. Such decisions must be made quickly, and SB 1499 would ensure that governmental bodies in Texas were able to comply with state law when such actions were necessary.

**OPPONENTS
SAY:**

While governmental bodies need flexibility to cope with an unforeseen event such as the influx of evacuees to an evacuation hub, the brief advance notice permitted under SB 1499 would too greatly reduce the time that the public would have to learn about a meeting to deal with a challenge such as the accommodation of evacuees from an affected region.