

SUBJECT: Specifying that legislative caucus meeting is not a committee quorum

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 9 ayes — Cook, Frullo, Gallego, Geren, Harless, Hilderbran, Huberty,
Oliveira, Smithee

0 nays

4 absent — Menendez, Craddick, Solomons, Turner

WITNESSES: None

BACKGROUND: The Office of the Attorney General in 2008 published the *Open Meetings Act Made Easy*, stating about the applicability of the act:

The Open Meetings Act generally applies when a quorum of a governmental body is present and discusses public business. The mere presence of a quorum may in some instances invoke the Act. However, it does not apply to purely social gatherings of the governmental body that are unrelated to the body's public business, nor does it apply when public officials attend regional, state, or national conventions or workshops, ceremonial events, or press conferences, as long as no formal actions are taken and the discussion of public business is only incidental to the event.

Government Code, ch. 301 sets out when the Legislature will convene, who can organize the Senate and the House of Representatives and how they will be organized, including information on standing committees of the Legislature. When the Legislature is in session, each standing committee is required to meet regularly according to applicable legislative requirements and rules of procedure. When the Legislature is not in session, each standing committee is required to meet as necessary to transact the committee's business.

DIGEST: HB 751 would amend Government Code, sec. 301.015 on standing committees of the Legislature to establish that attendance at a legislative caucus meeting by members of a standing committee constituting a quorum of the committee would not be considered a meeting of the

standing committee under other law or under the rules of procedure for the house creating the standing committee.

A “legislative caucus” would mean an organization that was composed exclusively of members of the Legislature, that elected or appointed officers and recognized identified legislators as members of the organization, and that existed for research and other support of policy development and interests that the membership held in common. An organization would remain a legislative caucus by this definition if the only non-legislator members were the lieutenant governor or the governor.

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, 2011.

**SUPPORTERS
SAY:**

Although most agree that a legislative caucus meeting would not trigger the Open Meetings Act, HB 751 would clarify that explicitly. The intent that a legislative caucus is not subject to Open Meetings Act provisions should be clear by the exclusion of social meetings and press conferences from the applicability of the act. For the same reasons, committee members attending a legislative caucus meeting are there for caucus business unrelated to the business of the standing committee.

**OPPONENTS
SAY:**

HB 751 could send the wrong message from the Legislature that it was trying to circumvent the Open Meetings Act.