

BILL ANALYSIS

Senate Research Center

H.B. 156
By: Wolens (Wentworth)
State Affairs
5/4/1999
Engrossed

DIGEST

A fundamental premise of the Texas Open Meetings Act is that all meetings of governmental bodies are open to the public unless an exception is specified by the Act or permitted by the Texas Constitution. However, it is unclear whether the Act applies to informal meetings, such as staff briefings. At least one state board has conducted its deliberations as part of staff briefings that are closed to the public. This bill would amend the definition of “meeting” to include an informal gathering, which is any meeting of a quorum of the members of a governmental body and a third party to discuss public business or public policy over which the governmental body has supervision or control.

PURPOSE

As proposed, H.B. 156 amends the definition of “meeting” to include an informal gathering, which is any meeting of a quorum of members of a governmental body and a third party to discuss public business or public policy over which the governmental body has supervision or control in the Texas Open Meetings Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.001(4), Government Code, to expand the definition of “meeting” to include a gathering that is: conducted by the governmental body or for which the governmental body is responsible, that has a quorum of members of the governmental body present, that has been called by the governmental body, and that the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control. Provides that this term does not include a gathering described by Paragraph (b) that is conducted by the Texas Transportation Commission or for which the Texas Transportation Commission is responsible.

SECTION 2. Amends Section 551.075, Government Code, as follows:

Sec. 551.075. New heading: CONFERENCE RELATING TO INVESTMENTS AND POTENTIAL INVESTMENTS ATTENDED BY BOARD OF TRUSTEES OF TEXAS GROWTH FUND; CLOSED MEETING. Provides that this chapter does not require the board of trustees of the Texas growth fund to confer with one or more employees of the Texas growth fund or with a third party, rather than a governmental body confer with employees of the governmental body, in an open meeting, if the only purpose of the conference is to receive information from the employees relating to an investment or a potential investment by the Texas growth fund in a private business entity, if disclosure of the information would give advantage to a competitor, or question the employees of the Texas growth fund or the third party regarding an investment or potential investment described by Subdivision (1), if disclosure of the information contained in the questions or answers would give advantage to a competitor. Defines “Texas growth fund.” Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 551.144, Government Code, by adding Subsection (c), to provide that it is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

SECTION 4. Emergency clause.
Effective date: upon passage.