

BILL ANALYSIS

Senate Research Center
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S.B. 1179
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Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, the City of Houston uses a mediation program successfully. As proposed, S.B. 1179 codifies the program into law in order to detail its interaction with and effect on various time limitations and deadlines in other parts of the local government statutes. It also reinforces the confidentiality aspects of the mediation process.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 143G, Local Government Code, by adding Section 143.135, as follows:

- Sec. 143.135. MEDIATION. (a) Defines “mediation.”
- (b) Authorizes the head of the police department to develop and implement an alternative dispute resolution program to refer certain disputes regarding police officers to mediation.
- (c) Provides that if a dispute is referred to mediation under this section, the time limitations and deadlines under Sections 143.1015, 143.1016, 143.117, 143.118, 143.119, 143.120, and 143.127-143.134 are tolled until the earlier of certain dates.
- (d) Provides that the conduct and demeanor of the mediator and the parties to the dispute during the course of the mediation are confidential. Provides that a letter, memorandum, document, note, or other oral or written communication relevant to the dispute and made between the mediator and the parties to the dispute or between the parties to the dispute during the course of the mediation procedure is confidential and may not be disclosed unless the parties to the mediation agree to the disclosure in writing and is admissible and discoverable in a separate proceeding only if the letter, memorandum, document, note, or other communication is admissible and discoverable independent of the mediation.
- (e) Prohibits a mediator from being required to testify in a proceeding concerning information relating to or arising out of the mediation.
- (f) Provides that Subsection (d) does not apply to a final written agreement to which the police department or municipality is a signatory that is reached as a result of a mediation procedure conducted under this section. Provides that information in the final written agreement is subject to required disclosure, is excepted from required disclosure, or is confidential in accordance with Chapter 552 (Public Information),

Government Code, and other law.

(g) Authorizes the issue of confidentiality to be presented to a district court for a judicial district in which the majority of the territory of the municipality is located to determine, in camera, whether the facts, circumstances, and context of the communications or materials sought to be disclosed warrant a protective order of the court or whether the communications or materials are subject to disclosure if this section conflicts with other legal requirements for disclosure of communications or materials.

(h) Provides that, except to the extent of any conflict with this section, Chapter 154 (Alternative Dispute Resolution Procedures), Civil Practice and Remedies Code, and police department rules apply to a mediation conducted under this section.

(i) Provides that, except to the extent of any conflict with this section, Section 2009.054 (Confidentiality of Certain Records and Communications), Government Code, applies to the communications, records, conduct, and demeanor of the mediator and the parties.

(j) Provides that Section 143.1014 does not apply to a meeting or hearing conducted under this section.

SECTION 2. Effective date: September 1, 2001.