

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2004
By: Marchant (Van de Putte)
Intergovernmental Relations
5/20/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

The Open Meetings Act provides that meetings of governmental bodies must be open to the public, except for expressly authorized executive sessions. These express authorizations include, for example, deliberations on real property and contracts for prospective gifts or donations; and consultation with a governmental body attorney to seek advice on pending or contemplated litigation or settlement offers. Currently, executive sessions are not expressly authorized to deliberate business and financial considerations relating to a contract being negotiated. Conducting such deliberations in an open meeting can undermine the negotiating posture of a governmental entity, thereby resulting in a greater expenditure of public funds than may be necessary. C.S.H.B. 2004 authorizes the commissioners courts of a county to conduct a closed meeting to deliberate business and financial considerations relating to a contract being negotiated.

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 Subchapter D, Chapter 551, Government Code, by adding Section 551.0725, as follows:

Sec. 551.0725. COMMISSIONERS COURTS: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. Authorizes the commissioners court of a county to conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting, the commissioners court votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person and the attorney advising the commissioners court issues a written determination that deliberation in an open meeting would have a detrimental effect on the position of the commissioners court in negotiations with a third person.

SECTION 2. Effective date: upon passage or September 1, 2003.