

BILL ANALYSIS

Senate Research Center

C.S.S.B. 690

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State Affairs

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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Open Meetings Act does not address the situation where a governmental body recesses from day to day when addressing particularly long subject matter. Furthermore, notification of a meeting must be posted 72 hours in advance. The Government Code contains exceptions to the posting requirement, but no exception addresses the situation of a day to day recess.

There are existing attorney general opinions that allow a governmental body to recess until the following day without having to post notification. According to the opinions, the recess until the next day is permitted when dealing with long subject matter that the governmental body is unable to finish during the original open meeting.

C.S.S.B. 690 codifies several attorney general opinions to allow a governmental body to recess to the following regular business day without having to post notification of the meeting if the action is done in good faith.

An additional provision considers a catastrophic event that prevents the governmental body from convening an open meeting that was properly posted. In such an event, the governmental body may convene in a convenient location within 72 hours.

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 C, Chapter 551, Government Code, by adding Section 551.0411, as follows:

Sec. 551.0411. NOTICE OF MEETING CONTINUED TO FOLLOWING DAY. (a) Provides that Section 551.041 (Notice of Meeting Required) does not require a governmental body that recesses a meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter.

(b) Authorizes a governmental body that is prevented from convening an open meeting that was otherwise properly posted under Section 551.041 because of a catastrophe to convene the meeting in a convenient location within 72 hours pursuant to Section 551.045 (Exception to General Rule: Notice of Emergency Meeting or Emergency Addition to Agenda) if the action is taken in good faith and not to circumvent this chapter.

(c) Defines "catastrophe."

SECTION 2. Effective date: upon passage or September 1, 2005.