

BILL ANALYSIS

Senate Research Center
85R8253 BEF-F

S.B. 1440
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Business & Commerce
4/18/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned parties note that uncertainty exists regarding whether elected officials from the same governmental body can attend a candidate forum or public debate without constituting a quorum under the open meetings act. As a result, some municipalities have recommended that their elected officials avoid participating in such forums in order to adhere to a strict interpretation of the law. This strict interpretation presents a particular burden for smaller communities where city council members are elected at large and all incumbent officials are expected to participate in a single debate. Such a conflict does not represent the best interest of the voting public and reduces access to information about the candidates and their views on policy.

S.B. 1440 creates clarity in statute by adding language that makes it clear that participation in a candidate forum or debate by elected officials serves the public interest and does not constitute an open meeting as defined by the Government Code.

As proposed, S.B. 1440 amends current law relating to the attendance by a quorum of a governmental body at certain candidate events under the open meetings law.

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 Section 551.001(4), Government Code, to redefine "meeting" to not include the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental and to make conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 2017.