

BILL ANALYSIS

Senate Research Center

S.B. 1343
By: Taylor
Business & Commerce
5/25/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The COVID-19 pandemic and Winter Storm Uri caused countless challenges for citizens across the state and shed a light on many issues about which we were unaware until these tragedies occurred. However, the commissioners courts of each county were unable quickly to address these emergencies. Furthermore, both the pandemic and Winter Storm Uri prevented the commissioners from meeting in person, a problem that could also very well arise during, or in the aftermath of, a hurricane.

During a declared disaster commissioners courts need the ability to communicate with one another without delay in order to protect life and property. S.B. 1343 would grant commissioners the authority to meet virtually or by telephone to deliberate during a disaster to discuss emergency actions to protect their citizens. Additionally, the commissioners would not be required to post notice of this meeting.

This authority may only be utilized by commissioners in counties in which:

- (1) there has been a gubernatorial declared disaster or state of emergency; and
- (2) transportation is dangerous as a result of the disaster or emergency.

The commissioners will still be required to take minutes of the meeting or record it. The minutes or recording must be made available to the public as soon as possible. Nor will the commissioners be permitted to vote on any matter at meetings called under S.B. 1343. All matters discussed at such meetings must pertain to and concern the declared disaster or state of emergency giving rise to the authority under S.B. 1343.

S.B. 1343 amends current law relating to certain meetings of a commissioners court during a disaster or emergency.

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 551.091, as follows:

Sec. 551.091. COMMISSIONERS COURTS: DELIBERATION REGARDING DISASTER OR EMERGENCY. (a) Provides that this section applies only to the commissioners court of a county:

- (1) for which the governor has issued an executive order or proclamation declaring a state of disaster or a state of emergency; and
- (2) in which transportation to the meeting location is dangerous or difficult as a result of the disaster or emergency.

(b) Authorizes a commissioners court to which this section applies, notwithstanding any other provision of Chapter 551 (Open Meetings) and subject to Subsection (c), to hold an open or closed meeting, including a telephone conference call, solely to deliberate about disaster or emergency conditions and related public safety matters that require an immediate response without complying with the requirements of Chapter 551, including the requirement to provide notice before the meeting or to first convene in an open meeting.

(c) Requires the commissioners court, to the extent practicable under the circumstances, to provide reasonable public notice of a meeting under this section and if the meeting is an open meeting allow members of the public and the press to observe the meeting.

(d) Provides that the commissioners court:

(1) is prohibited from voting or taking final action on a matter during a meeting under this section; and

(2) is required to prepare and keep minutes or a recording of a meeting under this section and make the minutes or recording available to the public as soon as practicable.

(e) Provides that this section expires September 1, 2027.

SECTION 2. Effective date: September 1, 2021.