

BILL ANALYSIS

C.S.H.B. 62
By: Zerwas
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that some commissioners courts of counties affected by Hurricane Harvey were not able to meet and deliberate regarding emergency conditions because commissioners were concerned that meeting without applicable public notice would violate state open meetings law. C.S.H.B. 62 seeks to address this issue by allowing certain county commissioners courts to hold meetings related to disasters or emergencies and related public safety matters that require an immediate response without the notice required by that law and by providing for public notice and observation of the meeting to the extent that it is practicable.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 62 amends the Government Code to authorize a commissioners court of a county for which the governor has issued an executive order or proclamation declaring a state of disaster or a state of emergency and in which transportation to the meeting location is dangerous or difficult as a result of the disaster or emergency 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 state open meetings law, including the requirement to provide notice before the meeting or to first convene in an open meeting.

C.S.H.B. 62 requires the commissioners court, to the extent practicable under the circumstances, to provide reasonable public notice of such a meeting and, if the meeting is an open meeting, to allow members of the public and the press to observe the meeting. The bill prohibits the commissioners court from voting or taking final action on a matter during the meeting and requires the court to prepare and keep minutes or a recording of the meeting and make the minutes or recording available to the public as soon as practicable. The bill specifies that its provisions are set to expire on September 1, 2025.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL TO SUBSTITUTE

While C.S.H.B. 62 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that the condition regarding dangerous or difficult transportation in a county that triggers the county's inclusion in the bill's applicability is dangerous or difficult transportation to the meeting location. The substitute specifies that the conditions and matters to be deliberated in the authorized meetings are those that require an immediate response.

The substitute clarifies that the requirement for a commissioners court to allow members of the public and the press to observe a meeting applies only to an open meeting. The substitute states that its provisions are set to expire on September 1, 2025.