

SUBJECT: Allowing certain communications between governmental body and attorney

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Wolens, S. Turner, Brimer, Counts, Craddick, Danburg, Hunter, Longoria, McCall, McClendon, Merritt

0 nays

4 absent — Bailey, Hilbert, D. Jones, Marchant

WITNESSES: For — Alan J. Bojorquez, Bickerstaff, Heath, Smiley, Pollan, Kever, and McDaniel; Cobby Caputo; Susan Rocha; *Registered but did not testify:* Cathy Douglass, Texas Association of School Boards; Tom “Smitty” Smith, Public Citizen; Suzy Woodford, Common Cause of Texas

Against — None

On — *Registered but did not testify:* Jeff Moore, Office of the Attorney General

BACKGROUND: Subchapter F of the Open Meetings Act (Government Code, ch. 551) sets the conditions under which governmental bodies may conduct meetings by telephone and video conference call and over the Internet.

DIGEST: HB 1021 would allow a governmental body to communicate by telephone, conference call, video conference call, or Internet to consult publicly with its attorney in an open meeting or to consult privately with its attorney in a closed meeting. This provision would not apply to a consultation with an attorney who was an employee of the governmental body, defined as an attorney receiving compensation for legal services from which the governmental body deducted employment taxes.

All of a public consultation with an attorney in an open meeting would have to be audible to the public at the location of the meeting specified in the notice. The bill would not authorize a governmental body to conduct a meeting by telephone or video conference call or Internet, nor would it create an exception to Government Code, chapter 551, subchapter F.

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This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS
SAY:

HB 1021 would save money for small towns and school districts, particularly in rural areas. Under current law, an attorney must be physically present to consult with a governmental body during a public meeting. This is especially burdensome on small towns and school districts with out-of-town attorneys, because these governmental entities must pay their attorneys' travel costs. Often, towns and districts are willing to forgo necessary legal advice in order to save money. The Open Meetings Act already allows governmental bodies to conduct meetings by telephone and video conference call and over the Internet, so allowing consultations with private attorneys by the same methods would be an extension of current practice.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 695 by Wentworth, passed the Senate by 30-0 on March 20 and was reported favorably, without amendment, by the House State Affairs Committee on April 17, making it eligible to be considered in lieu of HB 1021.