BILL ANALYSIS

Senate Research Center

S.B. 695
By: Wentworth
State Affairs
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Enrolled

DIGEST AND PURPOSE

Many rural school districts and small cities in Texas (over 80 percent of the cities in the state are under 20,000 in population) do not have an attorney on staff and must rely on outside counsel. These small communities pay the outside attorney on an hourly basis. The attorney fees, including travel time, that a rural school board or small city pays to have an attorney attend their meetings is often cost prohibitive. These communities are often forced to make important decisions without the benefit of legal advice. State law requires the attorney to be present when a governmental body is discussing litigation. S.B. 695 allows an attorney to be present at an open or closed meeting of a governmental body either in person, by telephone conference, or by video conference.

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 Chapter 551F, Government Code, by adding Section 551.129, as follows:

> Sec. 551.129. CONSULTATIONS BETWEEN GOVERNMENTAL BODY AND ITS ATTORNEY. (a) Authorizes a governmental body to use a telephone conference call, video conference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body.
>
> (b) Requires each part of a public consultation by a governmental body with its attorney in an open meeting under Subsection (a) to be audible to the public at the location specified in the notice of the meeting as the location of the meeting.
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> (c) Provides that Subsection (a) does not authorize the members of a governmental body to conduct a meeting of the governmental body by telephone conference call, video conference call, or communications over the Internet or create an exception to the application of this subchapter.
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> (d) Provides that Subsection (a) does not apply to a consultation with an attorney who is an employee of the governmental body.
>
> (e) Provides that for purposes of Subsection (d), an attorney who receives compensation for legal services performed, from which employment taxes are deducted by the governmental body, is an employee of the governmental body.

SECTION 2. Effective date: upon passage or September 1, 2001.