



2019 Legislative Update

86th Regular Session
Sara J. Ferris, Austin, TX

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Overview

- 7,281 bills and joint resolutions filed
- 1,525 bills and joint resolutions passed (20.9%)
- 58 bills vetoed (.79%); 144 unsigned & 1,323 signed by Governor became law.
- Compare to 85th Legislative Session: 6,631 bills and joint resolutions filed; 1,211 became law (8.26%) and 51 were vetoed (.76%).
- Legislative themes affecting Administrative Law: Transparency in Government, Access to information, Privacy of Information, Cybersecurity, Disaster Preparation and Response, Broadband Deployment, and Coordination



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Open Meetings Ch. 551

HB 2840 – Must allow public input at open meetings on issues being addressed by the agency at the time the agenda item is being considered – before the item is decided. Any time limit is doubled if translator is used; cannot prohibit public criticism. (Bill not applicable to state agencies.)

SB 239 – Open meeting requirements for Special Districts (Water) when considering adoption of property tax; recording hearing; posting minutes on website; information in monthly bill giving website where board meeting information is posted.

- Must hold open meetings within 10 miles of the district; Violation of meeting location requirement is subject to complaint at TCEQ.

SB 494 – Allows one hour notice for meetings to deliberate or take action on an emergency or urgent public necessity (when immediate action is needed due to an “imminent threat to public health and safety” or a reasonably unforeseeable catastrophe).

- Suspends open records & open meetings requirements for seven days – can be extended with notice to the OAG. OAG to post notices on website for one year

Open Meetings, Cont'd

SB 1640 – Clarifies prohibition of secret deliberations with less than a quorum:

- Court of Criminal Appeals in *State v. Doyal*, (Feb. 27, 2019), voided § 551.143(a) as unconstitutionally vague.
- Clarifies that a member of a governmental body commits an offense if she:
 - Engages in at least one communication among a series that each occur outside of an open meeting on an issue within the jurisdiction of the body and in which the communications are with less than a quorum; **and**
 - Knew at the time that the communication or series would be decided by a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications.



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