

# HOUSE RESEARCH

## Bill Summary

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### Overview

Authorizes the Commissioner of Administration to issue written advisory opinions regarding the Open Meeting Law.

#### Section

**1 Opinions.** Authorizes the commissioner of administration to give a written opinion:

- ▶ upon request of a body subject to the Open Meeting Law, on any question relating to the body's duties under that law;
- ▶ upon request of a person who disagrees with the manner in which members of a governing body perform duties under the Open Meeting Law, on compliance with that law.

Requires a governing body or person requesting an opinion to pay the commissioner a fee.

Provides that the commissioner may decide not to issue an opinion. Otherwise, the commissioner must issue the opinion within 20 days, unless the commissioner extends the deadline for one 30-day period. Requires the commissioner to provide members of a governing body subject to the open meeting law reasonable opportunity to explain how they perform their duties under chapter 13D.

**2 Effect.** Provides that opinions are not binding on members of a body subject to chapter 13D. Unlike opinions under the Data Practices Act, a court is not required to give deference to an opinion dealing with the Open Meeting Law.

As is the case with opinions under the Data Practices Act, members of a governing body who

**Section**

act in conformity with a commissioner's written opinion are not liable for fines, attorney fees, or other penalties. Also, a member of a governing body who acts in reliance on an opinion is not subject to the forfeiture of office penalty under the Open Meeting Law.