

1-1 By: Gallegos S.B. No. 1826  
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read  
1-3 first time and referred to Select Committee on Open Government;  
1-4 May 6, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 6, 2011, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1826 By: Davis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the definition in the open meetings law of the term  
1-11 "deliberation."

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivisions (2) and (4), Section 551.001,  
1-14 Government Code, are amended to read as follows:

1-15 (2) "Deliberation" means a verbal or written exchange  
1-16 [~~during a meeting~~] between a quorum of a governmental body, or  
1-17 between a quorum of a governmental body and another person,  
1-18 concerning an issue within the jurisdiction of the governmental  
1-19 body or any public business. A written exchange includes an e-mail,  
1-20 letter, or other written communication that:

1-21 (A) is produced by or originates from a member of  
1-22 the governmental body;

1-23 (B) is circulated among a quorum of the  
1-24 governmental body; and

1-25 (C) concerns an issue within the jurisdiction of  
1-26 the governmental body or any public business.

1-27 (4) "Meeting" means:

1-28 (A) a deliberation between a quorum of a  
1-29 governmental body, or between a quorum of a governmental body and  
1-30 another person, during which public business or public policy over  
1-31 which the governmental body has supervision or control is discussed  
1-32 or considered or during which the governmental body takes formal  
1-33 action; or

1-34 (B) except as otherwise provided by this  
1-35 subdivision, a gathering:

1-36 (i) that is conducted by the governmental  
1-37 body or for which the governmental body is responsible;

1-38 (ii) at which a quorum of members of the  
1-39 governmental body is present or actively participating;

1-40 (iii) that has been called by the  
1-41 governmental body; and

1-42 (iv) at which the members receive  
1-43 information from, give information to, ask questions of, or receive  
1-44 questions from any third person, including an employee of the  
1-45 governmental body, about the public business or public policy over  
1-46 which the governmental body has supervision or control.

1-47 The term does not include the gathering of a quorum of a  
1-48 governmental body at a social function unrelated to the public  
1-49 business that is conducted by the body, or the attendance by a  
1-50 quorum of a governmental body at a regional, state, or national  
1-51 convention or workshop, ceremonial event, or press conference, if  
1-52 formal action is not taken and any discussion of public business is  
1-53 incidental to the social function, convention, workshop,  
1-54 ceremonial event, or press conference.

1-55 The term includes a session of a governmental body.

1-56 SECTION 2. This Act takes effect September 1, 2011.

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