

BILL ANALYSIS

S.B. 1297
By: Watson
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that Texas open meetings law prohibits, under certain circumstances, a member of a state or local governmental body's board or commission from communicating with fellow board members unless the communication occurs in an open meeting in order to ensure public business is conducted in an open and transparent manner. As a result, the parties note, board members cannot communicate electronically or otherwise outside of publicly posted meetings about official business or policy matters. It has been suggested that authorizing governmental bodies to use a publicly viewable electronic communications board through which board members can communicate with each other would facilitate electronic communications among board members while protecting the public's interest in open and transparent government. S.B. 1297 seeks to establish this authority and impose related requirements.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1297 amends the Government Code to establish that a communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of state open meetings law if the communication is in writing; the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted. The bill prohibits a governmental body from having more than one online message board or similar Internet application to be used for those purposes and requires the online message board or similar Internet application to be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no more than one click away from the governmental body's primary Internet web page.

S.B. 1297 requires the online message board or similar Internet application to be used only by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. The bill requires, in the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member to be posted along with the communication. The bill requires a governmental body, if the governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, to maintain the posting for a period of six years. The bill establishes that the communication is public information and requires the communication to be disclosed in accordance with state public information law. The bill prohibits a governmental body from voting or taking any action that is required to be taken at an open meeting of the governmental body by posting a communication to the online message board or similar Internet application and

prohibits a communication or posting to the online message board or similar Internet application from being construed to be an action of the governmental body.

EFFECTIVE DATE

September 1, 2013.