

By: Hunter

H.B. No. 2934

A BILL TO BE ENTITLED

AN ACT

1
2 relating to electronic communications during a public meeting and
3 the definitions of public information and official business under
4 the public information law; creating an offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 551.143, Government Code, is amended by
7 amending Subsection (a) and adding Subsections (c) and (d) to read
8 as follows:

9 (a) A member or group of members of a governmental body
10 commits an offense if the member or group of members knowingly:

11 (1) conspires to circumvent this chapter by meeting in
12 numbers less than a quorum for the purpose of secret deliberations
13 in violation of this chapter; or

14 (2) transmits an electronic communication during a
15 public meeting.

16 (c) In this section, "electronic communication" includes an
17 e-mail, Internet posting, text message, or instant message.

18 (d) Subsection (a)(2) does not apply to an electronic
19 communication that:

20 (1) contains only administrative or ministerial
21 information; or

22 (2) is sent:

23 (A) to a family member, contains only information
24 about a family matter, and does not relate to the transaction of

1 official business; or

2 (B) in relation to an emergency situation.

3 SECTION 2. Section 552.002, Government Code, is amended by
4 amending Subsections (a) and (c) and adding Subsections (a-1) and
5 (a-2) to read as follows:

6 (a) In this chapter, "public information" means information
7 that is written, produced, collected, assembled, or maintained
8 under a law or ordinance or in connection with or related to the
9 transaction of official business:

10 (1) by a governmental body; [~~or~~]

11 (2) for a governmental body and the governmental body:

12 (A) owns the information;

13 (B) [~~or~~] has a right of access to the
14 information; or

15 (C) spends or contributes public money to write,
16 produce, collect, assemble, or maintain the information in whole or
17 part; or

18 (3) by an individual who holds public office, is a
19 member of the staff of a public office holder, or is an officer or
20 employee of a governmental body [~~it~~].

21 (a-1) Public information includes any electronic
22 communication:

23 (1) transmitted through a device provided to an
24 individual by a governmental body for official use on behalf of the
25 governmental body; or

26 (2) maintained on a government server.

27 (a-2) Public information of a governmental body exists on a

1 device not provided by the governmental body when that device is
2 used by a public office holder, a member of the staff of a public
3 office holder, or any other official or employee of the
4 governmental body in connection with or related to the transaction
5 of official business.

6 (c) The general forms in which the media containing public
7 information exist include a book, paper, letter, document, e-mail,
8 Internet posting, text message, instant message, other form of
9 electronic communication, printout, photograph, film, tape,
10 microfiche, microfilm, photostat, sound recording, map, and
11 drawing and a voice, data, or video representation held in computer
12 memory.

13 SECTION 3. Section 552.003, Government Code, is amended by
14 adding Subdivision (2-a) to read as follows:

15 (2-a) "Official business" means any matter over which
16 a governmental body has authority or administrative or advisory
17 duties.

18 SECTION 4. The changes in law made by this Act to Sections
19 552.002 and 552.003, Government Code, apply only to a request for
20 information that is received by a governmental body or an officer
21 for public information on or after the effective date of this Act.
22 A request for information that was received before the effective
23 date of this Act is governed by the law in effect on the date the
24 request was received, and the former law is continued in effect for
25 that purpose.

26 SECTION 5. This Act takes effect January 1, 2014.