

By: Branch

H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

relating to written electronic communications between members of a governmental body.

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

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.006 to read as follows:

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC. (a) 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 this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than thirty days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental

1 body's primary Internet web page, and no more than one click away
2 from the governmental body's primary Internet web page.

3 (c) The online message board or similar Internet
4 application described in subsection (a) may only be used by members
5 of the governmental body or staff members of the governmental body
6 who have received specific authorization from a member of the
7 governmental body. In the event that a staff member posts a
8 communication to the online message board or similar Internet
9 application, the name and title of the staff member must be posted
10 along with the communication.

11 (d) If a governmental body removes from the online message
12 board or similar Internet application a communication that has been
13 posted for at least thirty days, the governmental body shall
14 maintain the posting for a period of two years. This communication
15 is public information and must be disclosed in accordance with
16 Government Code, Chapter 552.

17 (e) The governmental body may not vote or take any action
18 that is required to be taken at a meeting under this chapter of the
19 governmental body by posting a communication to the online message
20 board or similar Internet application. In no event shall a
21 communication or posting to the online message board or similar
22 Internet application be construed to be an action of the
23 governmental body.

24 SECTION 2. This Act takes effect September 1, 2013.