

1-1 By: Watson S.B. No. 1297
1-2 (In the Senate - Filed March 7, 2013; March 13, 2013, read
1-3 first time and referred to Committee on Open Government;
1-4 March 27, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 27, 2013,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Ellis	X			
1-10	Davis	X			
1-11	Nelson	X			
1-12	Seliger	X			
1-13	Williams			X	

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1297 By: Davis

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to written electronic communications between members of a
1-18 governmental body.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter A, Chapter 551, Government Code, is
1-21 amended by adding Section 551.006 to read as follows:

1-22 Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE
1-23 TO PUBLIC. (a) A communication or exchange of information between
1-24 members of a governmental body about public business or public
1-25 policy over which the governmental body has supervision or control
1-26 does not constitute a meeting or deliberation for purposes of this
1-27 chapter if:

1-28 (1) the communication is in writing;

1-29 (2) the writing is posted to an online message board or
1-30 similar Internet application that is viewable and searchable by the
1-31 public; and

1-32 (3) the communication is displayed in real time and
1-33 displayed on the online message board or similar Internet
1-34 application for no less than 30 days after the communication is
1-35 first posted.

1-36 (b) A governmental body may have no more than one online
1-37 message board or similar Internet application to be used for the
1-38 purposes described in Subsection (a). The online message board or
1-39 similar Internet application must be owned or controlled by the
1-40 governmental body, prominently displayed on the governmental
1-41 body's primary Internet web page, and no more than one click away
1-42 from the governmental body's primary Internet web page.

1-43 (c) The online message board or similar Internet
1-44 application described in Subsection (a) may only be used by members
1-45 of the governmental body or staff members of the governmental body
1-46 who have received specific authorization from a member of the
1-47 governmental body. In the event that a staff member posts a
1-48 communication to the online message board or similar Internet
1-49 application, the name and title of the staff member must be posted
1-50 along with the communication.

1-51 (d) If a governmental body removes from the online message
1-52 board or similar Internet application a communication that has been
1-53 posted for at least 30 days, the governmental body shall maintain
1-54 the posting for a period of six years. This communication is public
1-55 information and must be disclosed in accordance with Chapter 552.

1-56 (e) The governmental body may not vote or take any action
1-57 that is required to be taken at a meeting under this chapter of the
1-58 governmental body by posting a communication to the online message
1-59 board or similar Internet application. In no event shall a
1-60 communication or posting to the online message board or similar

2-1 Internet application be construed to be an action of the
2-2 governmental body.

2-3 SECTION 2. This Act takes effect September 1, 2013.

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