By:  Toth H.B. No. 3697

A BILL TO BE ENTITLED

AN ACT

relating to changing the elements of an offense for certain open meetings requirements for a member of a governmental body.

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

SECTION 1.  Sec. 551.143(a), Government Code, is amended to read as follows:

Sec. 551.143.  CIRCUMVENTION OF [~~CONSPIRACY TO CIRCUMVENT~~] CHAPTER; OFFENSE; PENALTY. (a) A member [~~or group of members~~] of a governmental body commits an offense if the member, outside of a meeting, [~~or group of members~~] knowingly engages, directly or indirectly, in a series of verbal or written communications with other members of the governmental body without [~~conspires to circumvent this chapter by meeting in numbers less than~~] a quorum present regarding a tacit or explicit agreement to act uniformly in sufficient number to constitute a quorum concerning:

(1)  an issue within the jurisdiction of the governmental body; or

(2)  any public business [~~for the purpose of secret deliberations in violation of this chapter~~].

(b)  if the member, outside of a meeting, knowingly engages in conduct intended to learn or affect the votes of other members of the governmental body, directly or indirectly, in sufficient numbers to constitute a quorum, concerning an issue within the jurisdiction of the governmental body or any public business.

(c) [~~(b)~~]  An offense under Subsection (a) is a misdemeanor punishable by:

(1)  a fine of not less than $100 or more than $500;

(2)  confinement in the county jail for not less than one month or more than six months; or

(3)  both the fine and confinement.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.