

By: Phelan, Guerra, Murr, Meyer, Canales

H.B. No. 3402

Substitute the following for H.B. No. 3402:

By: Guerra

C.S.H.B. No. 3402

A BILL TO BE ENTITLED

AN ACT

relating to the open meetings law.

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

SECTION 1. Section 551.001(2), Government Code, is amended to read as follows:

(2) "Deliberation" means a verbal or written exchange ~~[during a meeting]~~ between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body ~~[or any public business]~~.

SECTION 2. The heading to Section 551.143, Government Code, is amended to read as follows:

Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS ~~[CONSPIRACY TO CIRCUMVENT CHAPTER]~~; OFFENSE; PENALTY.

SECTION 3. Section 551.143(a), Government Code, is amended to read as follows:

(a) A member ~~[or group of members]~~ of a governmental body commits an offense if the member:

(1) ~~[or group of members]~~ knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members; and

1 (2) knew at the time the member engaged in the
2 communication that the series of communications:

3 (A) involved or would involve a quorum; and

4 (B) would constitute a deliberation once a quorum
5 of members engaged in the series of communications [~~conspires to~~
6 ~~circumvent this chapter by meeting in numbers less than a quorum for~~
7 ~~the purpose of secret deliberations in violation of this chapter~~].

8 SECTION 4. Section 551.143, Government Code, as amended by
9 this Act, applies only to an offense committed on or after the
10 effective date of this Act. An offense committed before the
11 effective date of this Act is governed by the law in effect on the
12 date the offense was committed, and the former law is continued in
13 effect for that purpose. For purposes of this section, an offense
14 was committed before the effective date of this Act if any element
15 of the offense occurred before that date.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2019.