

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.

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

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

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

6 (3) both the fine and confinement.

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