

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 but the members engaging

1 in the series of communications constitute a quorum of members; and  
2 (2) knew at the time the member engaged in the  
3 communication that the series of communications:  
4 (A) involved or would involve a quorum; and  
5 (B) would constitute a deliberation once a quorum  
6 of members engaged in the series of communications [~~conspires to~~  
7 ~~circumvent this chapter by meeting in numbers less than a quorum for~~  
8 ~~the purpose of secret deliberations in violation of this chapter~~].

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1640 passed the Senate on April 9, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1640 passed the House, with amendment, on May 17, 2019, by the following vote: Yeas 145, Nays 1, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor