

1-1 By: Watson, et al. S.B. No. 1640
 1-2 (In the Senate - Filed March 6, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 3, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1640 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the open meetings law.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 551.001(2), Government Code, is amended
 1-24 to read as follows:
 1-25 (2) "Deliberation" means a verbal or written exchange
 1-26 [~~during a meeting~~] between a quorum of a governmental body, or
 1-27 between a quorum of a governmental body and another person,
 1-28 concerning an issue within the jurisdiction of the governmental
 1-29 body [~~or any public business~~].
 1-30 SECTION 2. The heading to Section 551.143, Government Code,
 1-31 is amended to read as follows:
 1-32 Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS
 1-33 [~~CONSPIRACY TO CIRCUMVENT CHAPTER~~]; OFFENSE; PENALTY.
 1-34 SECTION 3. Section 551.143(a), Government Code, is amended
 1-35 to read as follows:
 1-36 (a) A member [~~or group of members~~] of a governmental body
 1-37 commits an offense if the member:
 1-38 (1) [~~or group of members~~] knowingly engages in at
 1-39 least one communication among a series of communications that each
 1-40 occur outside of a meeting authorized by this chapter and that
 1-41 concern an issue within the jurisdiction of the governmental body
 1-42 in which the members engaging in the individual communications
 1-43 constitute fewer than a quorum of members; and
 1-44 (2) knew at the time the member engaged in the
 1-45 communication that the series of communications:
 1-46 (A) involved or would involve a quorum; and
 1-47 (B) would constitute a deliberation once a quorum
 1-48 of members engaged in the series of communications [~~conspires to~~
 1-49 circumvent this chapter by meeting in numbers less than a quorum for
 1-50 the purpose of secret deliberations in violation of this chapter].
 1-51 SECTION 4. Section 551.143, Government Code, as amended by
 1-52 this Act, applies only to an offense committed on or after the
 1-53 effective date of this Act. An offense committed before the
 1-54 effective date of this Act is governed by the law in effect on the
 1-55 date the offense was committed, and the former law is continued in
 1-56 effect for that purpose. For purposes of this section, an offense
 1-57 was committed before the effective date of this Act if any element
 1-58 of the offense occurred before that date.
 1-59 SECTION 5. This Act takes effect immediately if it receives
 1-60 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2019.

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