

BILL ANALYSIS

Senate Research Center

S.B. 710
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Local Government
8/20/2025
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 211, Local Government Code, mandates and enumerates certain municipal zoning commissions for cities to use for zoning, planning, and preservation purposes, including a planning/zoning commission, historic landmark commission, and board of adjustment. These municipal zoning commissions are required to carry out certain functions by state law and are often given sovereign powers by a city council to make final decisions on zoning-related matters. While these commissions play a vital role in municipal decision-making, they are comprised of volunteers and do not generally have dedicated staff. These commissions also often do not have a way to post amendments to the public before meetings, making it difficult to organize meetings and often leading to discussions that can go into the late hours of the morning. These circumstances can often make it difficult for the public to participate and the media to report on proceedings. To alleviate these issues, many municipal zoning commissions have sought the ability to use online message boards, as allowed by the Texas Open Meetings Act for governmental bodies.

Section 551.006, Local Government Code, allows members of a governmental body to communicate about public business or public policy on an online message board as long as the communication is displayed publicly in real-time, the communication is in writing, and the message board is accessible, viewable, and searchable by the public. Since the adoption of this provision in 2013, dozens of city councils, commissioners courts, and other governmental bodies have utilized these message boards, providing the public with an easily accessible and transparent way to view policy discussions and access information about public business. However, the Texas Open Meetings Act also restricts the use of a message board to only governmental bodies, thereby preventing any municipal commission from using a message board.

S.B. 710 authorizes a city council to allow municipal zoning commissions organized under Chapter 211, Local Government Code, to utilize an online message board. The bill specifies that the message board must be separate from a city council message board, reauthorized by the city council every two years, and comply with all Texas Open Meetings Act requirements, including those that apply to governmental bodies under Section 511.006, Local Government Code.

S.B. 710 is supported by members of municipal zoning commissions and the Freedom of Information Foundation of Texas. There is no known opposition to S.B. 710.

S.B. 710 amends current law relating to the establishment and use of a written electronic communications system accessible to the public by certain municipal entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.006(b), Government Code, to create an exception under Section 551.0061.

SECTION 2. Amends Subchapter A, Chapter 551, Government Code, by adding Section 551.0061, as follows:

Sec. 551.0061. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC FOR CERTAIN MUNICIPAL ENTITIES. (a) Authorizes the governing body of a municipality by ordinance or resolution to authorize each board, commission, or similar entity of the municipality to establish and use an online message board or similar Internet application for the purposes described in Section 551.006(a) (relating to providing that certain written communications on a public online forum do not constitute a meeting or deliberation).

(b) Authorizes a governing body adopting an ordinance or resolution under this section to authorize use of the online message board or similar Internet application for a period of not longer than two years, and to reauthorize use of the message board or application in the same manner and for the same period as many times as the governing body determines is appropriate. Authorizes the governing body to rescind an ordinance or resolution adopted under this section at any time.

(c) Provides that an online message board or similar Internet application authorized by this section is separate from and in addition to a municipal online message board or similar Internet application authorized by Section 551.006 (Written Electronic Communications Accessible to Public).

(d) Requires that the use and administration of an online message board or similar Internet application authorized by this section comply with the requirements of Section 551.006.

(e) Requires a municipal governing body that authorizes use of an online message board or similar Internet application under this section to require a municipal employee to monitor the message board or application for compliance with this section and Section 551.006.

SECTION 3. Effective date: September 1, 2025.