

BILL ANALYSIS

Senate Research Center
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S.B. 1826
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Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Open Meetings Act provides the public an opportunity to become informed about public business. The statute requires that every meeting of a governmental body, with some exceptions, be open to the public. Under current law, the Texas Open Meetings Act, which applies to certain government acts, contains a definition of meetings and deliberations. The statute defines meetings as deliberations between a quorum of a governmental body where that body discusses, considers, or acts upon its public business. These deliberations are verbal exchanges during a meeting concerning issues within the jurisdiction of the governmental body.

Problems arise when public business within the scope of the act is conducted by a quorum in settings besides physical meetings such as telephone conferences, or on policy position letters signed by the quorum. S.B. 1826 changes both the definitions of meetings and deliberations so that they include these situations.

As proposed, S.B. 1826 amends current law relating to the definition in the open meetings law of the term "deliberation."

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 Sections 551.001(2) and (4), Government Code, as follows:

(2) Defines "deliberation" to mean an exchange, whether oral or written, 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. Provides that the term includes an e-mail, letter, or other written communication that is produced by or originates from a member of the governmental body, is circulated among a quorum of the governmental body, and concerns an issue within the jurisdiction of the governmental body or any public business.

(4) Defines "meeting" to mean certain gatherings, including, except as otherwise provided by this subdivision, a gathering involving certain conditions by the governmental body, including one at which a quorum of members of the governmental body are present or actively participating.

SECTION 2. Effective date: September 1, 2011.