



# OPEN, TRANSPARENT TEXAS GOVERNMENT

by Texas Attorney General Greg Abbott

FOR MORE THAN FOUR DECADES, TEXAS has had some of the most robust open government laws in the nation. And while these laws continue to protect the transparency that is so vital to democracy, the public always benefits when modern technology is harnessed to make government more accessible. During the recent legislative session, Senator Kirk Watson (Austin) and I worked together to develop a bipartisan, common sense proposal to bring the Open Meetings Act into the 21st century.

Under legislation authored by Senator Watson, members of local governing boards will be able to exchange thoughts and ideas in an electronic forum that is open and accessible to the public in real-time. With the Texas Legislature's adoption of Senator Watson's legislation, open government laws will be updated to account for with modern technology – and keep Texas government operating in the sunshine and accountable to the public.

To ensure public business is conducted in an open and transparent manner, the State's Open Meetings Act prohibits a quorum of a state or

local governmental body's board or commission from communicating with their fellow board members unless they are in an open meeting. As a result, a quorum of the board cannot deliberate electronically – or otherwise – between publicly posted meetings about official business or policy matters.

The legislation authored by Senator Watson creates a new tool that governmental bodies can use to facilitate electronic communications between board members – while still protecting the public's interest in open and transparent government. Senator Watson's proposal will give the public greater insight into officials' thought processes by allowing them to view open discussions between government officials on an official online forum. Although the bill authorizes communication among board members, they will be limited to that purpose and cannot take official action except in a properly posted open meeting.

Senator Watson's legislation will impose the following requirements and controls on official message boards:

- The communication must be in writing;

- The writing must be posted to an online message board that is viewable by the public;
- The communication must be displayed in real time and displayed on the online message board for no less than 30 days after the communication is first posted;
- The governmental body may only have one online message board that the governmental body either owns or controls;
- The online message board must be prominently displayed on the governmental body's primary Internet Web page;
- The online message board may only be used by members of the governmental body and/or its officers;
- A communication that a member of the governmental body removes from an online message board after the 30-day window is subject to the Public Information Act and must be retained for six years; and
- The governmental body may not vote or take any action that is required to be taken at a meeting simply by posting a written

communication to an online message board.

Senator Watson's legislation to modernize the Texas Open Meetings Act and expand transparency received unanimous support from the Texas House and Senate. Senate Bill 1297's effective date is Sept. 1.

Thanks to Senator Watson and the other public servants who share our commitment to open and transparent government, Texas is at the forefront of sunshine states. And that's a good thing – because as stewards of the taxpayers' money, government agencies are obligated to operate in a manner that's transparent, accountable and inspires public confidence.

The Attorney General's Open Government Hotline--at (877) OPEN-TEX--fields more than 6,000 calls per year from citizens wishing to file complaints or seeking general information about how the open government laws work. To obtain more information about the Attorney General's efforts to enhance open government statewide, access the agency's website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov).

– July 2013