

By: Longoria

H.B. No. 3139

A BILL TO BE ENTITLED

AN ACT

relating to the authority of all governmental bodies to hold open and closed meetings by telephone or videoconference call.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.0025 to read as follows:

Sec. 551.0025. MEETING BY TELEPHONE CONFERENCE OR VIDEOCONFERENCE CALL. (a) In this section, "conference call" means a meeting held by:

(1) telephone conference call;

(2) videoconference call; or

(3) telephone conference and videoconference call.

(b) Notwithstanding any other law, a governmental body may hold an open or closed meeting by conference call.

(c) Each part of a meeting held by conference call required to be open to the public shall:

(1) be audible to the public;

(2) be visible to the public if it is a videoconference call; and

(3) have two-way communication with each participant.

(d) A member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting and complies with the provisions of this section.

1 (e) A member of a governmental body who participates in a
2 meeting by conference call shall be counted as present at the
3 meeting for all purposes.

4 (f) A member of a governmental body who participates in a
5 meeting by conference call shall be considered absent from any
6 portion of the meeting during which audio communication with the
7 member is lost or disconnected. The governmental body may continue
8 the meeting only if a quorum of the body continues to participate in
9 the meeting.

10 (g) A governmental body may allow a member of the public to
11 testify at a meeting by conference call.

12 (h) A meeting held by conference call is subject to the
13 notice requirements applicable to other meetings in addition to the
14 notice requirements prescribed by this section.

15 (i) The notice of a meeting held by conference call must
16 provide instructions explaining how members of the public may:

17 (1) listen to the open portions of the meeting; and

18 (2) address the governmental body during the meeting.

19 (j) A meeting held by conference call shall be recorded.
20 The recording shall be made available to the public.

21 (k) The Department of Information Resources by rule shall
22 specify minimum standards for the recording of a meeting held by
23 conference call. The quality of the recording must meet or exceed
24 those standards.

25 SECTION 2. Section 11.1513(b), Education Code, is amended
26 to read as follows:

27 (b) The board of trustees may accept or reject the

1 superintendent's recommendation regarding the selection of
2 district personnel and shall include the board's acceptance or
3 rejection in the minutes of the board's meeting, as required under
4 Section 551.021, Government Code, in the certified agenda or tape
5 recording required under Section 551.103, Government Code, or in
6 the recording required under Section 551.0025 [~~551.125 or 551.127~~],
7 Government Code [~~, as applicable~~]. If the board rejects the
8 superintendent's recommendation, the superintendent shall make
9 alternative recommendations until the board accepts a
10 recommendation.

11 SECTION 3. Section 33.256, Education Code, is amended to
12 read as follows:

13 Sec. 33.256. MEETINGS. [~~(a)~~] The council shall meet in
14 person at least three times each year and may hold additional
15 meetings by conference call if necessary.

16 [~~(b) Section 551.125, Government Code, applies to a meeting~~
17 ~~held by conference call under this section, except that Section~~
18 ~~551.125(b), Government Code, does not apply.~~]

19 SECTION 4. Section 61.025(b), Education Code, is amended to
20 read as follows:

21 (b) Except as provided by Section 551.0025 [~~551.126~~],
22 Government Code, the board shall hold regular quarterly meetings in
23 the city of Austin, and other meetings at places and times scheduled
24 by it in formal sessions and called by the chairman.

25 SECTION 5. Section 61.06641(i), Education Code, is amended
26 to read as follows:

27 (i) The [~~Notwithstanding Chapter 551, Government Code, or~~

1 ~~any other law, the~~] advisory council may meet by telephone
2 conference call, videoconference, or other similar
3 telecommunication method. A meeting held by telephone conference
4 call, videoconference, or other similar telecommunication method
5 is subject to the requirements of Section 551.0025 [~~Sections~~
6 ~~551.125(c)-(f)~~], Government Code.

7 SECTION 6. Section 66.08(h), Education Code, is amended to
8 read as follows:

9 (h) The corporation:

10 (1) is subject to the Texas Non-Profit Corporation Act
11 (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); and

12 (2) is subject to the provisions of Chapter 551,
13 Government Code (the open meetings law), that apply to the board of
14 regents of The University of Texas System, except that the board of
15 directors of the corporation[+

16 [~~(A)~~] may discuss an investment or potential
17 investment with one or more employees of the corporation or with a
18 third party to the extent permitted to the board of trustees of the
19 Texas growth fund under Section 551.075, Government Code[+, and

20 [~~(B) is not subject to Section 551.121 or Section~~
21 ~~551.125, Government Code, rather any director of the corporation~~
22 ~~may attend any meeting of the board of directors by telephone~~
23 ~~conference call provided that the telephone conference is audible~~
24 ~~to the public at the meeting location specified in the notice of the~~
25 ~~meeting during each part of the meeting that is required to be open~~
26 ~~to the public].~~

27 SECTION 7. Section 419.906(e), Government Code, is amended

1 to read as follows:

2 (e) Notwithstanding Section 419.0365, the commission may
3 temporarily suspend a person's or regulated entity's certificate on
4 a determination by a panel of the commission that continued
5 activity by the person or entity would present an immediate threat
6 to the public or to fire service trainees. [~~The panel may hold a~~
7 ~~meeting for purposes of this subsection by teleconference call~~
8 ~~pursuant to Section 551.125.~~] A person or regulated entity whose
9 certificate is temporarily suspended under this subsection is
10 entitled to a hearing before the commission not later than the 14th
11 day after the date of the temporary suspension.

12 SECTION 8. The heading to Subchapter F, Chapter 551,
13 Government Code, is amended to read as follows:

14 SUBCHAPTER F. MEETINGS USING THE [~~TELEPHONE, VIDEOCONFERENCE, OR~~
15 INTERNET

16 SECTION 9. Sections 551.129(a) and (c), Government Code,
17 are amended to read as follows:

18 (a) A governmental body may use [~~a telephone conference~~
19 ~~call, video conference call, or~~] communications over the Internet
20 to conduct a public consultation with its attorney in an open
21 meeting of the governmental body or a private consultation with its
22 attorney in a closed meeting of the governmental body.

23 (c) Subsection (a) does not:

24 (1) authorize the members of a governmental body to
25 conduct a meeting of the governmental body [~~by telephone conference~~
26 ~~call, video conference call, or communications~~] over the Internet;
27 or

1 (2) create an exception to the application of this
2 subchapter.

3 SECTION 10. Section 116.006, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 116.006. MEETINGS. [~~(a)~~] The council shall meet in
6 person three times each year [~~and may hold meetings by conference~~
7 ~~call as necessary~~]. The council shall invite stakeholders to
8 participate in at least two council meetings each year and provide
9 an opportunity for submission of oral or written testimony. The
10 council at a minimum shall invite:

11 (1) one individual with expertise in early childhood
12 nutrition and physical activity, such as a registered dietician,
13 physical therapist, or physical education specialist;

14 (2) one staff member or manager of a child-care
15 facility;

16 (3) one staff member or manager of a child-care
17 facility operated in a private residence;

18 (4) two individuals with medical experience in early
19 childhood health, such as a family practice physician, registered
20 nurse, nurse practitioner, pediatrician, or child health
21 consultant;

22 (5) one representative from a nonprofit organization
23 that provides family or wellness services; and

24 (6) one representative from an agency or organization
25 with expertise in community health education and outreach, such as
26 a local health department, public relations or marketing firm, or
27 university.

1 ~~[(b) Section 551.125, Government Code, applies to a meeting~~
2 ~~held by conference call under this section, except that Section~~
3 ~~551.125(b), Government Code, does not apply.]~~

4 SECTION 11. Section 117.056, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 117.056. MEETINGS. ~~[(a)]~~ The committee shall meet at
7 least quarterly or more frequently at the call of the presiding
8 officer.

9 ~~[(b) To ensure appropriate representation from all areas of~~
10 ~~this state, the committee may meet by videoconference or telephone~~
11 ~~conference call. A meeting held by videoconference or telephone~~
12 ~~conference call under this subsection must comply with the~~
13 ~~requirements applicable to a telephone conference call under~~
14 ~~Sections 551.125(c), (d), (e), and (f), Government Code. Sections~~
15 ~~551.125(b) and 551.127, Government Code, do not apply to the~~
16 ~~committee.]~~

17 SECTION 12. Section 117.105, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 117.105. OPEN MEETINGS ACT. The ~~[Except as provided by~~
20 ~~Section 117.056, the]~~ committee is subject to Chapter 551,
21 Government Code.

22 SECTION 13. Section 120.054, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 120.054. MEETINGS. ~~[(a)]~~ The task force shall meet at
25 least quarterly each fiscal year. Members may hold meetings by
26 telephone conference call ~~[calls]~~ and through videoconference in
27 accordance with Section 551.0025 ~~[551.127]~~, Government Code.

1 ~~[(b) Section 551.125, Government Code, applies to a meeting~~
2 ~~held by conference call under this section, except that Section~~
3 ~~551.125(b), Government Code, does not apply.]~~

4 SECTION 14. Section 81.001(b), Local Government Code, is
5 amended to read as follows:

6 (b) If present, the county judge is the presiding officer of
7 the commissioners court. This subsection does not apply to a
8 meeting held under Section 551.0025 [551.127], Government Code~~[, if~~
9 ~~the county judge is not located at the physical space made available~~
10 ~~to the public for the meeting].~~

11 SECTION 15. Section 26.06(a), Tax Code, is amended to read
12 as follows:

13 (a) A public hearing required by Section 26.05 may not be
14 held before the fifth day after the date the notice of the public
15 hearing is given. The hearing must be on a weekday that is not a
16 public holiday. ~~[The hearing must be held inside the boundaries of~~
17 ~~the unit in a publicly owned building or, if a suitable publicly~~
18 ~~owned building is not available, in a suitable building to which the~~
19 ~~public normally has access.]~~ At the hearing, the governing body
20 must afford adequate opportunity for proponents and opponents of
21 the tax increase to present their views.

22 SECTION 16. Section 3.01(j), Article 6243a-1, Vernon's
23 Texas Civil Statutes, is amended to read as follows:

24 (j) The board has full power to make rules pertaining to the
25 conduct of its meetings and to the operation of the pension system
26 as long as its rules are not, subject to Subsections (j-1) and (j-2)
27 of this section, inconsistent with the terms of this article, any

1 pension plan within the pension system, or the laws of this state or
2 the United States to the extent applicable. A board meeting may be
3 held by [~~telephone~~] conference call [~~or by videoconference call~~] in
4 accordance with Section 551.0025 [~~Sections 551.125 and 551.127~~],
5 Government Code [~~, except that Section 551.125(b), Government Code,~~
6 ~~does not apply~~].

7 SECTION 17. The following provisions are repealed:

8 (1) Sections 551.121, 551.122, 551.123, 551.124,
9 551.125, 551.126, 551.127, 551.130, and 551.131, Government Code;

10 (2) Section 81.406(b), Health and Safety Code;

11 (3) Section 9601.056(e), Special District Local Laws
12 Code; and

13 (4) Section 370.262, Transportation Code.

14 SECTION 18. The changes in law made by this Act apply only
15 to a meeting of a governmental body that is held on or after the
16 effective date of this Act. A meeting held before the effective
17 date of this Act is governed by the law in effect on the date of the
18 meeting, and the former law is continued in effect for that purpose.

19 SECTION 19. This Act takes effect September 1, 2021.