

By: Zaffirini

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to remote and other meetings held under the open meetings law.

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

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.008 to read as follows:

Sec. 551.008. PUBLIC ACCESS TO CERTAIN MEETINGS. (a) This section applies only to an open meeting of a governmental body at which at least a majority of the members of the body participate by a method other than by appearing in person at the meeting's physical location, including by telephone conference call or videoconference call.

(b) The requirements prescribed by this section are in addition to other requirements of law applicable to an open meeting. Except as provided by this section, this section prevails to the extent of a conflict with another provision of law.

(c) A governmental body shall ensure that members of the public are able to listen to and, if applicable, speak at an open meeting to which this section applies by telephone.

(d) A governmental body that holds an open meeting to which this section applies shall:

(1) make the open meeting audible to the public by telephone and at each location described by Subsection (e)(2);

(2) if the meeting is broadcast live over the Internet

1 or held wholly or partly by videoconference call, provide public  
2 access to both audiovisual and audio-only feeds of the open meeting  
3 over the Internet or by using a free, widely available computer  
4 application; and

5 (3) if applicable, allow members of the public to  
6 address the governmental body as provided by Section 551.007:

7 (A) by telephone; and

8 (B) by videoconference call if the meeting is  
9 held wholly or partly by videoconference call.

10 (e) The notice of an open meeting to which this section  
11 applies must:

12 (1) comply with the requirements of this chapter;

13 (2) list each physical location where a member of the  
14 public may observe and participate in the meeting, including:

15 (A) any location that is open to the public where  
16 a member of the governmental body intends to participate in the  
17 meeting; and

18 (B) any facility provided by the governmental  
19 body for a member of the public to observe or speak at the meeting;

20 (3) include a toll-free telephone number that members  
21 of the public may use to hear and, if applicable, speak at the  
22 meeting;

23 (4) include access information for any audiovisual or  
24 audio-only feeds required by Subsection (d)(2); and

25 (5) include instructions for a member of the public to  
26 speak at the meeting:

27 (A) from a remote location; or

1                   (B) while physically present at a location  
2 described by Subdivision (2).

3           (f) An open meeting to which this section applies shall be  
4 recorded. Except as otherwise provided by law, the recording shall  
5 be made available to the public not later than 24 hours after the  
6 adjourning of the meeting.

7           SECTION 2. The heading to Section 551.023, Government Code,  
8 is amended to read as follows:

9           Sec. 551.023. RECORDING OR LIVESTREAMING OF MEETING BY  
10 PERSON IN ATTENDANCE.

11           SECTION 3. Sections 551.023(a) and (b), Government Code,  
12 are amended to read as follows:

13           (a) A person in attendance at an open meeting of a  
14 governmental body may:

15                   (1) record all or any part of the [an open] meeting [of  
16 a governmental body] by means of a recorder, video camera, or other  
17 means of aural or visual reproduction; or

18                   (2) stream live video and audio of all or any part of  
19 the meeting over the Internet.

20           (b) A governmental body may adopt reasonable rules to  
21 maintain order at a meeting, including rules relating to:

22                   (1) the location of recording or livestreaming  
23 equipment; and

24                   (2) the manner in which the recording or livestreaming  
25 is conducted.

26           SECTION 4. Section 551.041, Government Code, is amended to  
27 read as follows:

1           Sec. 551.041. NOTICE OF MEETING REQUIRED.     (a) A  
2 governmental body shall give written notice of the date, hour,  
3 place, and subject of each meeting held by the governmental body.

4           (b) The notice must include:

5                 (1) an agenda of the specific subjects to be  
6 considered in the open meeting so that the public is aware of the  
7 subjects for public deliberation; and

8                 (2) to the extent foreseeable at the time the notice is  
9 posted, the subjects to be considered in a closed meeting.

10           (c) A governmental body may not conduct a closed meeting on  
11 a subject not included in the notice as prescribed by Subsection  
12 (b)(2) unless the body determines by official action during the  
13 open meeting for which the notice was posted that the necessity of  
14 considering the subject was not reasonably foreseeable at the time  
15 the notice was posted.

16           SECTION 5. Sections 551.128(b) and (c), Government Code,  
17 are amended to read as follows:

18           (b) Except as provided by Subsection (b-1) and subject to  
19 the requirements of this section, a governmental body may broadcast  
20 an open meeting over the Internet. A governmental body shall  
21 broadcast an open meeting over the Internet, or shall hold an open  
22 meeting by telephone conference call or videoconference call, if  
23 the physical location of the meeting is not accessible to members of  
24 the public or is not large enough to accommodate all persons seeking  
25 to attend the meeting in person, including if the location has  
26 reduced capacity as the result of an emergency or urgent public  
27 necessity, as described by Section 551.045(b).

1           (c) Except as provided by Subsection (b-2), a governmental  
2 body that broadcasts a meeting over the Internet shall establish an  
3 Internet site and provide free and open access for members of the  
4 public to the broadcast from that site. The governmental body shall  
5 provide on the Internet site the same notice of the meeting that the  
6 governmental body is required to post under Subchapter C. The  
7 notice on the Internet must be posted within the time required for  
8 posting notice under Subchapter C.

9           SECTION 6. Subchapter F, Chapter 551, Government Code, is  
10 amended by adding Section 551.1284 to read as follows:

11           Sec. 551.1284. INTERNET BROADCAST OF OPEN MEETINGS OF  
12 CERTAIN LARGE STATE AGENCIES. (a) This section applies only to a  
13 governmental body that is an agency within the executive or  
14 legislative branch of state government to which the total  
15 appropriation made in the General Appropriations Act from general  
16 revenue for any fiscal year beginning on or after September 1, 2023,  
17 including any amount of general revenue transferred to the  
18 governmental body under that Act for that fiscal year, is greater  
19 than \$10 million and for which the bill pattern for the General  
20 Appropriations Act for the same fiscal year designates 100 or more  
21 full-time employees.

22           (b) A governmental body that becomes subject to this section  
23 under Subsection (a) for a fiscal year shall comply with this  
24 section in each following fiscal year.

25           (c) A governmental body subject to this section shall  
26 broadcast over the Internet live video and audio of each open  
27 meeting of the governmental body. The governmental body shall

1 provide access to the broadcast on the governmental body's Internet  
2 website.

3 (d) Not later than the seventh day after the date an open  
4 meeting is broadcast under this section, the governmental body  
5 shall make available through the governmental body's Internet  
6 website archived video and audio of the open meeting. The  
7 governmental body shall maintain the archived video and audio of  
8 the open meeting on the governmental body's Internet website until  
9 the second anniversary of the date the archived video and audio was  
10 first made available on the website.

11 (e) The governmental body shall provide on the governmental  
12 body's Internet website the same notice of the open meeting that the  
13 governmental body is required to post under Subchapter C. The  
14 notice must be posted on the governmental body's Internet website  
15 within the time required for posting notice under Subchapter C.

16 (f) The governmental body may use for an Internet broadcast  
17 of an open meeting of the governmental body a room made available to  
18 the governmental body on request in any state building, as defined  
19 by Section [2165.301](#).

20 (g) The governmental body is exempt from the requirements of  
21 this section to the extent a catastrophe, as defined by Section  
22 [551.0411](#), or a technical breakdown prevents the governmental body  
23 from complying with this section. Following the catastrophe or  
24 technical breakdown, the governmental body shall make all  
25 reasonable efforts to make the required video and audio of the open  
26 meeting available in a timely manner.

27 (h) The governmental body shall consider contracting

1 through competitive bidding with a private individual or entity to  
2 broadcast and archive an open meeting subject to this section to  
3 minimize the cost of complying with this section.

4           SECTION 7. The changes in law made by this Act apply only to  
5 a meeting of a governmental body held on or after the effective date  
6 of this Act.

7           SECTION 8. This Act takes effect September 1, 2023.