

By: Ellis

S.B. No. 472

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the legislature to meet by electronic means in a period of emergency.

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

SECTION 1. Chapter 301, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. EMERGENCY MEETING OF LEGISLATURE

Sec. 301.071. EMERGENCY MEETING BY ELECTRONIC MEANS. (a)

If the governor issues a proclamation under Section 62, Article III, Texas Constitution, that a period of emergency exists caused by enemy attack or the immediate threat of enemy attack, the legislature by concurrent resolution in accordance with Section 62, Article III, may suspend all necessary constitutional rules in order to meet in regular or special session by electronic means.

(b) If the legislature resolves to meet by electronic means, either house may meet by electronic means as the house considers appropriate. The electronic means must:

(1) allow each member of the house to hear and view all official proceedings of the house during the meeting and to be viewed and heard by the other members when recognized or otherwise participating in the proceedings; and

(2) allow members of the public to hear and view all official proceedings of the house during the meeting from a convenient location open to the public at or as close to the State

1 Capitol as possible and at other locations as determined by the  
2 house.

3 (c) If there is no location in the City of Austin at which  
4 members of the public may hear and view the official proceedings of  
5 a meeting of either house, the governor may suspend the requirement  
6 that the legislature hold its sessions in Austin as provided by  
7 Section 62, Article III, Texas Constitution, and designate as the  
8 place at which the legislature will hold its sessions the place or  
9 places at which members of the public may hear and view official  
10 proceedings of the legislature when meeting by electronic means  
11 under this section.

12 (d) A member participating in a meeting of the appropriate  
13 house by electronic means under this section is considered present  
14 and in attendance at the session of the legislature for purposes of  
15 the rules of the house and the Texas Constitution.

16 (e) Each house shall provide public notice of the meetings  
17 of that house to be held by electronic means under this section in  
18 the manner provided by law, unless that manner is unavailable as  
19 determined by the presiding officer. In that event, public notice  
20 shall be provided in the manner the presiding officer considers  
21 appropriate under the circumstances. The notice must state the  
22 date, time, and locations at which the official proceedings may be  
23 viewed and heard by members of the public, but is not required to  
24 state the location at which any member of the house is located while  
25 participating in the proceedings.

26 (f) Each house shall adopt rules necessary to implement this  
27 section, including rules governing attendance and participation of

1 its members when the house meets by electronic means.

2 (g) This section does not limit the authority of either  
3 house to meet in any other manner authorized by Section 62, Article  
4 III, Texas Constitution, or other law.

5 Sec. 301.072. FACILITIES FOR MEETING BY ELECTRONIC MEANS.

6 (a) The Texas Legislative Council in consultation with each member  
7 of the legislature shall identify one or more two-way  
8 teleconferencing sites operated by public entities located in or  
9 near the member's district that may be used for the member to  
10 participate in a meeting of the appropriate house conducted by  
11 electronic means. The council shall attempt to secure agreements  
12 with public entities to provide each member of the legislature with  
13 access to teleconferencing facilities in or near the member's  
14 district for that purpose. The agreement may provide for the  
15 facilities to be made available for legislative meetings without  
16 charge or at cost.

17 (b) If the council is unable to locate adequate  
18 teleconferencing facilities operated by a public entity in or near  
19 a house or senate district, the council shall report that  
20 information to the presiding officer of the appropriate house. At  
21 the direction of the presiding officer, the council shall procure  
22 or provide access to adequate teleconferencing facilities or  
23 services in or near the district.

24 (c) An agreement for access to teleconferencing facilities  
25 or services for a member of the legislature to participate in a  
26 meeting of the appropriate house conducted by electronic means must  
27 require that access to the facilities or services for that purpose

1 takes precedence over all other uses of the facilities or services  
2 during a period of emergency declared by the governor under Section  
3 62, Article III, Texas Constitution.

4 (d) The council shall procure or provide access to  
5 teleconferencing facilities or services for each member of the  
6 legislature to participate in a meeting of the appropriate house  
7 conducted by electronic means as required by this section as soon as  
8 practicable, but not later than January 1, 2004. This subsection  
9 expires January 2, 2004.

10 Sec. 301.073. BROADCASTS AND OTHER THIRD-PARTY ACCESS. If  
11 a meeting of either house of the legislature is conducted by  
12 electronic means, to the extent practicable that house shall allow  
13 a person on request to view and hear the official proceedings  
14 electronically from a remote location or to broadcast the official  
15 proceedings electronically. The person must pay the costs incurred  
16 to provide the person with access to the electronic transmission of  
17 the proceedings necessary to comply with the request.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2003.