

By: Barrientos, Wentworth S.B. No. 182
(In the Senate - Filed January 13, 2005; February 1, 2005,
read first time and referred to Committee on State Affairs;
March 1, 2005, reported favorably by the following vote: Yeas 9,
Nays 0; March 1, 2005, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the board of directors of an intermunicipal commuter
rail district.

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

SECTION 1. Subsection (c), Section 3, Article 6550c-1,
Revised Statutes, is amended to read as follows:

(c) If a [A] vacancy occurs on the board, a successor shall
be appointed or elected [is filled] in the same manner as the
original appointment or election. Each member serves a staggered
two-year term with as near as possible to half of the members' terms
expiring February 1 of each year [of two years]. If one or more
members are added to the board, the board members other than the new
members shall determine the lengths of the new members' terms so
that one-half, or as near one-half as possible of the members serve
terms expiring each year.

SECTION 2. Article 6550c-1, Revised Statutes, is amended by
adding Section 3A to read as follows:

Sec. 3A. BOARD MEETINGS BY TELEPHONE OR VIDEOCONFERENCE.

(a) Chapter 551, Government Code, does not prohibit the board from
holding an open or closed meeting by telephone conference call or
videoconference.

(b) A meeting held by telephone conference call or
videoconference need not have a quorum present at any one location.

(c) A telephone conference call or videoconference meeting
is subject to the notice requirements applicable to other meetings.

(d) The notice of a telephone conference call or
videoconference meeting must specify all locations of the meeting
where a member of the board will participate. The notice must also
specify the physical location from which the presiding officer of
the board will preside. All locations must be open to the public
during the open portion of the meeting.

(e) Each part of a telephone conference call meeting that is
required to be open to the public shall be audible to the public at
the location specified in the notice of the meeting as the location
of the meeting and shall be tape recorded. The tape recording shall
be made available to the public.

(f) Each part of a videoconference meeting that is required
to be open to the public shall:

(1) be visible and audible to the public at all
locations specified in the notice of the meeting as the locations of
the meeting; and

(2) have two-way audio and video communications with
each participant in the meeting during the entire meeting.

(g) Without regard to whether a member of the board is
participating in a meeting from a remote location by
videoconference call, the board may allow a member of the public to
testify at a meeting from a remote location by videoconference
call. The board shall designate the location for public
participation in the notice of the meeting.

SECTION 3. (a) This Act does not affect the term of a member
of the board of directors serving on the effective date of this Act.
Members appointed to fill vacancies occurring on or after the
effective date of this Act must be appointed in accordance with
Section 3, Article 6550c-1, Revised Statutes, as amended by this
Act.

(b) Initial members appointed or elected to the board of
directors on or after the effective date of this Act shall, by
unanimous agreement or by lot, assign the lengths of the terms of

the members to meet the staggered two-year term requirement under Section 3, Article 6550c-1, Revised Statutes, as amended by this Act.

SECTION 4. This Act does not prohibit a person who is a member of an intermunicipal commuter rail district board before the effective date of this Act from being appointed as a member of the board under the new composition of the board of an intermunicipal commuter rail district if the person has the qualifications required for the position under Article 6550c-1, Revised Statutes, as amended by this Act.

SECTION 5. This Act takes effect September 1, 2005.

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