

BILL ANALYSIS

C.S.H.B. 1749
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Government Efficiency & Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Members of certain governmental boards and commissions in Texas have the option of holding meetings by videoconference calls in specified locations. Members who participate from sites other than the physical location where a quorum is established, such as from a house or a place of business, must open that meeting to the public. Interested parties have noted that this burden has prevented members from taking advantage of videoconference meetings despite the lower travel cost to the administrative agency. C.S.H.B. 1749 seeks to revise procedures relating to certain meetings held in remote locations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1749 amends the Government Code to change the conditions under which a meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call by authorizing such a meeting only if the member of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting and by removing the condition that such a meeting may be held only if a majority of the quorum of the governmental body is physically present at one location of the meeting.

C.S.H.B. 1749 clarifies that the notice of such a videoconference meeting must reflect the bill's changes regarding the location of the meeting and the physical presence of the presiding member of the governmental body. The bill removes the requirement that the notice of the meeting specify as a location of the meeting each other location at which a member of the governmental body who will participate in the meeting will be physically present during the meeting. The bill requires the location at which the member of the governmental body presiding over the meeting is physically present to be open to the public during the open portions of the meeting.

C.S.H.B. 1749 requires a meeting, if a problem occurs that causes the meeting to no longer be visible and audible to the public at that location, to be recessed until the problem is resolved and requires the meeting to be adjourned if the problem is not resolved in six hours or less. The bill requires the location at which the member presiding over the meeting is physically present and each remote location from which a member of the governmental body participates to have two-way communication with each other location during the entire meeting and specifies that the face and voice of each participant be clearly visible and audible to each other participant, as applicable. The bill requires a member of the public present at a location where a member of the governmental body is participating in the meeting by videoconference call, in any meeting held by videoconference call, to be provided the opportunity to participate in the meeting by means of the videoconference call in the same manner as a member of the public who is physically present at a meeting of the governmental body that is not held by videoconference call.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1749 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 551.127(c), (e), (f), and (h), Government Code, are amended to read as follows:

(c) A meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call only if the member [a majority of the quorum] of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (c) must specify as a location of the meeting the [each] location where the member [a majority of the quorum] of the governmental body presiding over the meeting will be physically present and specify the intent to have the member [a majority of the quorum] of the governmental body presiding over the meeting present at that location.

~~[In addition, the notice of the meeting must specify as a location of the meeting each other location where a member of the governmental body who will participate in the meeting will be physically present during the meeting.]~~ The ~~[Each of the]~~ location[s] where the member of the governmental body presiding over the meeting is physically present shall be open to the public during the open portions of the meeting.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 551.127, Government Code, is amended by amending Subsections (c), (e), (f), and (h) and adding Subsection (l) to read as follows:

(c) A meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call only if the member [a majority of the quorum] of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (c) must specify as a location of the meeting the [each] location where the member [a majority of the quorum] of the governmental body presiding over the meeting will be physically present and specify the intent to have the member [a majority of the quorum] of the governmental body presiding over the meeting present at that location.

The location where the member of the governmental body presiding over the meeting is physically present ~~[In addition, the notice of the meeting must specify as a location of the meeting each other location where a member of the governmental body who will participate in the meeting will be physically present during the meeting. Each of the locations]~~ shall be open to the public during the open portions of the meeting.

(f) Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the [each] location specified under Subsection (e).

(h) The [Each] location specified under Subsection (e), and each remote location from which a member of the governmental body participates, shall have two-way communication with each other location during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

SECTION 2. This Act takes effect September 1, 2013.

(f) Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the [each] location specified under Subsection (e). If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

(h) The [Each] location specified under Subsection (e), and each remote location from which a member of the governmental body participates, shall have two-way communication with each other location during the entire meeting. The face of each [Each] participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

(l) In any meeting held by videoconference call, a member of the public present at a location where a member of the governmental body is participating in the meeting by videoconference call must be provided the opportunity to participate in the meeting by means of the videoconference call in the same manner as a member of the public who is physically present at a meeting of the governmental body that is not held by videoconference call.

SECTION 2. Same as introduced version.