

BILL ANALYSIS

C.S.H.B. 2414
By: Button
Government Efficiency & Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that, due to advancements in technology, the use of videoconferencing has increased in business, education, medicine, and media, among other fields. Communications technologies, such as the telephone and the Internet, reduce the need to travel to bring people together and also reduce costs while increasing efficiency. In order to take advantage of these benefits, C.S.H.B. 2414 seeks to revise statutory provisions relating to a governmental body meeting via videoconference.

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. 2414 amends the Government Code to authorize a member or employee of a governmental body to participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with statutory provisions relating to holding open or closed meetings by videoconference call. The bill removes a provision that conditioned the authorization for a meeting of a state governmental body or a governmental body extending into three or more counties to be held by videoconference call on the physical presence of a majority of the governmental body's quorum at one meeting location and instead conditions the authorization for a meeting of any governmental body to be held by videoconference call on the following circumstances:

- the governmental body making available to the public at least one suitable physical space located in or within a reasonable distance of the governmental body's geographic jurisdiction, if any, that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;
- at least one agent of the governmental body being present at that physical space to conduct the meeting and facilitate public participation during the meeting; and
- any member of the public present at that physical space being provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call.

C.S.H.B. 2414 requires the notice of a meeting to be held by videoconference call to specify as a location of the meeting the location of the physical space described in these conditions and requires the physical location available to the public to have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting and requires each participant in the videoconference call, while speaking, to 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 the meeting's physical location and at any other meeting location open to the public. The bill removes a provision requiring that audio and video signals perceptible by members of the public at each meeting location meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2414 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. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone or data network.

SECTION 2. Section 551.127, Government Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsections (c), (e), (h), and (j) to read as follows:

(a-1) A member of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's participation is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

(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:

(1) all video and audio communication is displayed in real time on an Internet website that is maintained by the governmental body and is accessible to the public;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet.

SECTION 2. Section 551.127, Government Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsections (c), (e), (h), and (j) to read as follows:

(a-1) A member or employee of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

(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:

(2) a member of the public may remotely view and listen to the meeting through the Internet website from any location with access to the Internet;

(3) at least one suitable physical space is made available to the public by the governmental body that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;

(4) at least one agent of the governmental body is present at that physical space to conduct the videoconference broadcast and facilitate public participation during the meeting; and

(5) any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call [a majority of the quorum of the governmental body is physically present at one location 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 of the physical space described by Subsection (c)(3) [where a quorum of the governmental body will be physically present] and specify the Internet website address where the meeting will be displayed [intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (e) must specify as a location of the meeting each location where a majority of the quorum of the governmental body will be physically present and specify the intent to have a majority of the quorum of the governmental body 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. Each of the locations shall be open to the public during the open

(1) the governmental body makes available to the public at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, of the governmental body that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;

(2) at least one agent of the governmental body is present at that physical space to conduct the meeting and facilitate public participation during the meeting; and

(3) any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call [a majority of the quorum of the governmental body is physically present at one location 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 of the physical space described by Subsection (c)(1) [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 each location where a majority of the quorum of the governmental body will be physically present and specify the intent to have a majority of the quorum of the governmental body 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. Each of the locations shall be open to the public during the open portions of the meeting].

portions of the meeting].

(h) The physical ~~[Each]~~ location specified under Subsection (e) shall have two-way audio and video communication with each member who is participating by videoconference call ~~[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 the physical location described by Subsection (e) and at any other [a] location of the meeting that is open to the public.

(j) The quality of the audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) must[:

~~[(1) meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting; and~~

~~[(2)]~~ be of sufficient quality so that members of the public at each location ~~[of the meeting]~~ can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

SECTION 3. The changes in law made by this Act apply only to an open meeting held on or after the effective date of this Act. An open meeting that is held before the effective date of this Act is governed by the law in effect on the date of the open meeting, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

(h) The physical ~~[Each]~~ location specified under Subsection (e) shall have two-way audio and video communication with each member who is participating by videoconference call ~~[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 the physical location described by Subsection (e) and at any other [a] location of the meeting that is open to the public.

(j) The ~~[quality of the]~~ audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) must[:

~~[(1) meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting; and~~

~~[(2)]~~ be of sufficient quality so that members of the public at each location ~~[of the meeting]~~ can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.