

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2414
By: Button et al. (Deuell)
Open Government
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

C.S.H.B. 2414 amends current law relating to requirements for open meetings held by videoconference call.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 551.001, Government Code, by adding Subdivision (7) to define "videoconference call."

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

(a-1) Authorizes 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 the provisions of this section.

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

(c) Authorizes a meeting of a governmental body to be held by videoconference call only if:

(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) the member of the governmental body presiding over the meeting is present at that physical space; 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.

Deletes existing text authorizing a meeting of a state governmental body or a governmental body that extends into three or more counties to be held by videoconference call only if a majority of the quorum of the governmental body is physically present at one location of the meeting.

(e) Requires that the notice of a meeting to be held by videoconference call specify as a location of the meeting the location of the physical space described by Subsection (c)(1). Deletes existing text requiring that the notice of a meeting to be held by videoconference call 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) is required to 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. Deletes existing text requiring that the notice of the meeting, in addition, 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. Deletes existing text requiring that each of the locations be open to the public during the open portions of the meeting.

(h) Requires that the physical location specified under Subsection (e) have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting, rather than requiring that each location specified under Subsection (e) have two-way communication with each other location during the entire meeting. 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 physical location described by Subsection (e) and at any other location of the meeting that is open to the public. Makes a nonsubstantive change.

(j) Requires that the audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) be of sufficient quality so that members of the public at each location, rather than each location of the meeting, can observe the demeanor and hear the voice of each participant in the open portion of the meeting. Deletes existing text requiring that the quality of the audio and video signals perceptible by members of the public at each location of the meeting meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.