

BILL ANALYSIS

Senate Research Center

S.B. 984
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Open Government
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 984 seeks to reduce the travel burden on governmental bodies and members of governmental bodies by expanding the permissible uses of videoconference calls, reducing procedural hurdles required to hold meetings by videoconference, and encouraging member participation in meetings.

Currently, the use of videoconference calls in the open meetings context is strictly limited by the Open Meetings Act. The two requirements that most limit the use of video technology are the requirement that a quorum, or majority of a quorum, be physically present at one location and the requirement that each call-in location be listed in the open meetings notice and that the call-in locations be open to the public.

S.B. 984 allows a meeting of a state governmental body or governmental body that extends into three or more counties to be held by videoconference call if the member presiding over the meeting is physically present at one location of the meeting that is open to the public.

This legislation removes the requirement that remote locations of the other members be open to the public and posted in the notice of the meeting. The notice of the meeting to be held by videoconference call must specify the meeting location where the presiding officer will physically be. It also requires two-way communications for each remote location from which a member of the governmental body participates.

S.B. 984 amends current law relating to the meeting of a governmental body 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 Sections 551.127(c), (e), (f), and (h), Government Code, as follows:

(c) Authorizes 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 the member of the governmental body presiding over the meeting, rather than a majority of the quorum, is physically present at one location of the meeting that is open to the public during the open portions 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 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 the location where the member of the governmental body presiding over the meeting will be physically present, rather than each location where a majority of the quorum will be present, and specify the intent to have the member of the governmental body presiding over the meeting present at that

location. Requires that the location where the member of the governmental body presiding over the meeting is physically present, rather than each location where a majority of the quorum will be present, to be open to the public during the open portions of the meeting. Deletes existing text requiring that the notice of the meeting 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. Makes conforming changes.

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

(h) Requires that the location specified under Subsection (e), and each remote location from which a member of the governmental body participates, have two-way communication with each other location during the entire meeting. Requires that the face of each participant in the videoconference call, while that participant is speaking, 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. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2013.