

By: Button, Capriglione, Harper-Brown,
Coleman, Elkins, et al.

H.B. No. 2414

A BILL TO BE ENTITLED

AN ACT

relating to requirements for open meetings held by videoconference
call.

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

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:

(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].~~

(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

1 an open meeting held on or after the effective date of this Act. An
2 open meeting that is held before the effective date of this Act is
3 governed by the law in effect on the date of the open meeting, and
4 the former law is continued in effect for that purpose.

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