1-1 By: Button, et al. (Senate Sponsor - Deuell)   H.B. No. 2414
1-2   (In the Senate - Received from the House May 6, 2013;
1-3 May 7, 2013, read first time and referred to Committee on Open
1-4 Government; May 16, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 16, 2013, sent to printer.)

1-7   COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Ellis	X			
1-10	Davis	X			
1-11	Nelson	X			
1-12	Seliger			X	
1-13	Williams	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 2414   By: Nelson

1-15   A BILL TO BE ENTITLED
1-16   AN ACT

1-17 relating to requirements for open meetings held by videoconference
1-18 call.
1-19   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-20   SECTION 1. Section 551.001, Government Code, is amended by
1-21 adding Subdivision (7) to read as follows:
1-22   (7) "Videoconference call" means a communication
1-23 conducted between two or more persons in which one or more of the
1-24 participants communicate with the other participants through
1-25 duplex audio and video signals transmitted over a telephone
1-26 network, a data network, or the Internet.
1-27   SECTION 2. Section 551.127, Government Code, is amended by
1-28 adding Subsections (a-1) and (a-2) and amending Subsections (c),
1-29 (e), (h), and (j) to read as follows:
1-30   (a-1) A member or employee of a governmental body may
1-31 participate remotely in a meeting of the governmental body by means
1-32 of a videoconference call if the video and audio feed of the
1-33 member's or employee's participation, as applicable, is broadcast
1-34 live at the meeting and complies with the provisions of this
1-35 section.
1-36   (a-2) A member of a governmental body who participates in a
1-37 meeting as provided by Subsection (a-1) shall be counted as present
1-38 at the meeting for all purposes.
1-39   (c) A meeting of a [state] governmental body [or a
1-40 governmental body that extends into three or more counties] may be
1-41 held by videoconference call only if:
1-42   (1) the governmental body makes available to the
1-43 public at least one suitable physical space located in or within a
1-44 reasonable distance of the geographic jurisdiction, if any, of the
1-45 governmental body that is equipped with videoconference equipment
1-46 that provides an audio and video display, as well as a camera and
1-47 microphone by which a member of the public can provide testimony or
1-48 otherwise actively participate in the meeting;
1-49   (2) the member of the governmental body presiding over
1-50 the meeting is present at that physical space; and
1-51   (3) any member of the public present at that physical
1-52 space is provided the opportunity to participate in the meeting by
1-53 means of a videoconference call in the same manner as a person who
1-54 is physically present at a meeting of the governmental body that is
1-55 not conducted by videoconference call [a majority of the quorum of
1-56 the governmental body is physically present at one location of the
1-57 meeting].
1-58   (e) The notice of a meeting to be held by videoconference
1-59 call must specify as a location of the meeting the location of the
1-60 physical space described by Subsection (c)(1) [where a quorum of

                                   1

2-1 the governmental body will be physically present and specify the
2-2 intent to have a quorum present at that location, except that the
2-3 notice of a meeting to be held by videoconference call under
2-4 Subsection (c) must specify as a location of the meeting each
2-5 location where a majority of the quorum of the governmental body
2-6 will be physically present and specify the intent to have a majority
2-7 of the quorum of the governmental body present at that location. In
2-8 addition, the notice of the meeting must specify as a location of
2-9 the meeting each other location where a member of the governmental
2-10 body who will participate in the meeting will be physically present
2-11 during the meeting. Each of the locations shall be open to the
2-12 public during the open portions of the meeting].
2-13   (h) The physical [Each] location specified under Subsection
2-14 (e) shall have two-way audio and video communication with each
2-15 member who is participating by videoconference call [other
2-16 location] during the entire meeting. Each participant in the
2-17 videoconference call, while speaking, shall be clearly visible and
2-18 audible to each other participant and, during the open portion of
2-19 the meeting, to the members of the public in attendance at the
2-20 physical location described by Subsection (e) and at any other [a]
2-21 location of the meeting that is open to the public.
2-22   (j) The [quality of the] audio and video signals perceptible
2-23 by members of the public at each location of the meeting described
2-24 by Subsection (h) must[:
2-25   [(1) meet or exceed the quality of the audio and video
2-26 signals perceptible by the members of the governmental body
2-27 participating in the meeting; and
2-28   [(2)] be of sufficient quality so that members of the
2-29 public at each location [of the meeting] can observe the demeanor
2-30 and hear the voice of each participant in the open portion of the
2-31 meeting.
2-32   SECTION 3. The changes in law made by this Act apply only to
2-33 an open meeting held on or after the effective date of this Act. An
2-34 open meeting that is held before the effective date of this Act is
2-35 governed by the law in effect on the date of the open meeting, and
2-36 the former law is continued in effect for that purpose.
2-37   SECTION 4. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2013.

2-42   * * * * *