

House Bill 2414
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

SENATE VERSION (IE)

SECTION 1. Same as House version.

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SECTION __. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.006 to read as follows:

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC. (a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in Subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no

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more than one click away from the governmental body's primary Internet web page.

(c) The online message board or similar Internet application described in Subsection (a) may only be used by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. In the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

(d) If a governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the governmental body shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Chapter 552.

(e) The governmental body may not vote or take any action that is required to be taken at a meeting under this chapter of the governmental body by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the governmental body. [FA1]

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

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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

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broadcast live at the meeting and complies with the provisions of this section.

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(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) 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 [a majority of the quorum of the governmental body is physically present at one location of the meeting].

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~~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.~~

SENATE VERSION (IE)

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~~[(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.~~

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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.

SENATE VERSION (IE)

SECTION 3. Same as House version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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