

BILL ANALYSIS

C.S.H.B. 3253
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The boards of certain conservation and reclamation districts and their constituents and residents have expressed the desire to have a board meeting held virtually without violating state open meetings law. C.S.H.B. 3253 seeks to address this issue by authorizing a board to hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method and setting out related provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3253 amends the Water Code to authorize the boards of certain conservation and reclamation districts, notwithstanding any law, to hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method. The bill authorizes the board to use an applicable telecommunication method for purposes of establishing a quorum, for voting, or for any other meeting purpose and subjects a meeting held by such a telecommunication method to the notice requirements applicable to other board meetings. The bill requires the notice of a meeting that is to be held by an applicable telecommunication method to include the following:

- a toll-free telephone number or free-of-charge access information for any audiovisual or audio-only feeds that members of the public may use to hear and, if applicable, speak at the meeting; and
- instructions for a member of the public on how to use such a remote access method to speak at the meeting from a remote location.

C.S.H.B. 3253 requires a board that prepares an agenda packet or regular written reports that would have been distributed to members of the public at a face-to-face meeting to make the packet and any reports available electronically. The bill requires a board that holds a meeting by an applicable telecommunication method to make a recording of the meeting with clear audio quality and to make the recording available to the public for at least one year after the date of the meeting.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3253 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the following changes that were made in the original:

- a specification that the authority for the boards of certain conservation and reclamation districts to allow disbursements of district money to be transferred by federal reserve wire system or by electronic means is by board resolution;
- including the option for the disbursement to be transferred by automated clearing house (ACH); and
- authorizing a board by resolution to allow the wire or electronic transfers to accounts in the name of vendors.

The substitute includes language not in the original that lists specific state open meetings law provisions notwithstanding which a board may hold an open or closed meeting by an applicable telecommunication method under the bill's provisions.

The substitute does not include a provision included in the original establishing that a board's authority to hold an open or closed meeting by an applicable telecommunication method and to use such a method for any meeting purpose applies without regard to the subject matter discussed or considered by the board at the meeting.

The substitute does not include the following provisions that appeared in the original:

- a prohibition against holding a meeting by an applicable telecommunication method unless notice of the meeting specifies the location of the meeting at which at least one director will be physically present; and
- a requirement that the meeting be open and audible to the public at that specified location during open portions of the meeting.

The substitute includes provisions not included in the original that require the notice of a meeting that is to be held by an applicable telecommunication method to include the following:

- a toll-free telephone number or free-of-charge access information for any audiovisual or audio-only feeds that members of the public may use to hear and, if applicable, speak at the meeting; and
- instructions for a member of the public on how to use such a remote access method to speak at the meeting from a remote location.

The substitute includes provisions not included in the original that require the following:

- a board that prepares an agenda packet or regular written reports that would have been distributed to members of the public at a face-to-face meeting to make the packet and any reports available electronically; and
- a board that holds a meeting by an applicable telecommunication method to make a recording of the meeting with clear audio quality and to make the recording available to the public for at least one year after the date of the meeting.

The substitute does not include provisions that appeared in the original relating to the authority of a board to meet in the event of a catastrophe and defining "catastrophe."