

By: Martinez

H.B. No. 2560

A BILL TO BE ENTITLED

AN ACT

relating to remote meetings under the open meetings law.

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

SECTION 1. Section 551.125, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Without regard to whether a member of the governmental body is participating in a meeting from a remote location by telephone conference call, a governmental body may allow a member of the public to speak at a meeting from a remote location by telephone conference call.

SECTION 2. Section 551.127, Government Code, is amended by amending Subsections (a-3), (b), (d), (e), and (k) and adding Subsection (l) to read as follows:

(a-3) A member of a governmental body who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The governmental body may continue the meeting only if members in a number sufficient to constitute a quorum of the body remain audible and visible to each other and, during the open portion of the meeting, to the public ~~[remains present at the meeting location or, if applicable, continues to participate in a meeting conducted under Subsection (c)]~~.

(b) A meeting may be held by videoconference call only if

1 the member of the governmental body presiding over the meeting is
2 physically present at the location specified under Subsection
3 (e)(1) [~~a quorum of the governmental body is physically present at~~
4 ~~one location of the meeting, except as provided by Subsection (e)].~~

5 (d) A meeting held by videoconference call is subject to the
6 notice requirements applicable to other meetings except as
7 otherwise provided by Subsection (e) [~~in addition to the notice~~
8 ~~requirements prescribed by this section].~~

9 (e) The notice of a meeting to be held by videoconference
10 call must:

11 (1) specify as the location of the meeting the
12 location where the member of the governmental body presiding over
13 the meeting will be physically present;

14 (2) indicate that the meeting will be held by
15 videoconference call under this section;

16 (3) list each physical location where members of the
17 public may observe or participate in the meeting, including:

18 (A) any location that is open to the public where
19 a member of the governmental body intends to participate in the
20 meeting; and

21 (B) any facility provided by the governmental
22 body for members of the public to observe or speak at the meeting;

23 (4) include access information for both audio-only and
24 audiovisual feeds of the meeting; and

25 (5) if applicable, include instructions for a member
26 of the public to speak at the meeting from a remote location or
27 while physically present at a location described by Subdivision (3)

1 ~~[specify as a location of the meeting the location where a quorum of~~
2 ~~the governmental body will be physically present and specify the~~
3 ~~intent to have a quorum present at that location, except that the~~
4 ~~notice of a meeting to be held by videoconference call under~~
5 ~~Subsection (c) must specify as a location of the meeting the~~
6 ~~location where the member of the governmental body presiding over~~
7 ~~the meeting will be physically present and specify the intent to~~
8 ~~have the member of the governmental body presiding over the meeting~~
9 ~~present at that location. The location where the member of the~~
10 ~~governmental body presiding over the meeting is physically present~~
11 ~~shall be open to the public during the open portions of the~~
12 ~~meeting].~~

13 (k) Without regard to whether a member of the governmental
14 body is participating in a meeting from a remote location by
15 videoconference call, a governmental body may allow a person to
16 speak ~~[member of the public to testify]~~ at a meeting from a remote
17 location by videoconference call.

18 (l) The location where the member of the governmental body
19 presiding over the meeting is physically present shall be open to
20 the public during the open portions of the meeting.

21 SECTION 3. Section 33.256(b), Education Code, is amended to
22 read as follows:

23 (b) Section 551.125, Government Code, applies to a meeting
24 held by conference call under this section~~[, except that~~
25 ~~Section 551.125(b), Government Code, does not apply].~~

26 SECTION 4. Section 81.406(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) The task force may meet telephonically in accordance
2 with Section 551.125 [~~551.125(b)(3)~~], Government Code.

3 SECTION 5. Section 116.006(b), Health and Safety Code, is
4 amended to read as follows:

5 (b) Section 551.125, Government Code, applies to a meeting
6 held by conference call under this section[~~, except that~~
7 ~~Section 551.125(b), Government Code, does not apply~~].

8 SECTION 6. Section 117.056(b), Health and Safety Code, is
9 amended to read as follows:

10 (b) To ensure appropriate representation from all areas of
11 this state, the committee may meet by videoconference or telephone
12 conference call. A meeting held by videoconference or telephone
13 conference call under this subsection must comply with the
14 requirements applicable to a telephone conference call under
15 Sections 551.125(c), (d), (e), and (f), Government Code. Section
16 551.127, Government Code, does [~~Sections 551.125(b) and 551.127,~~
17 ~~Government Code, do~~] not apply to the committee.

18 SECTION 7. Section 120.054(b), Health and Safety Code, is
19 amended to read as follows:

20 (b) Section 551.125, Government Code, applies to a meeting
21 held by conference call under this section[~~, except that~~
22 ~~Section 551.125(b), Government Code, does not apply~~].

23 SECTION 8. Section 3.01(j), Article 6243a-1, Revised
24 Statutes, is amended to read as follows:

25 (j) The board has full power to make rules pertaining to the
26 conduct of its meetings and to the operation of the pension system
27 as long as its rules are not, subject to Subsections (j-1) and (j-2)

1 of this section, inconsistent with the terms of this article, any
2 pension plan within the pension system, or the laws of this state or
3 the United States to the extent applicable. A board meeting may be
4 held by telephone conference call or by videoconference call in
5 accordance with Sections 551.125 and 551.127, Government Code[
6 ~~except that Section 551.125(b), Government Code, does not apply~~].

7 SECTION 9. Sections 551.125(b) and 551.127(c), Government
8 Code, are repealed.

9 SECTION 10. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2021.