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A BILL TO BE ENTITLED

AN ACT

relating to remote and other meetings held under the open meetings law.

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

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.008 to read as follows:

Sec. 551.008. PUBLIC ACCESS TO CERTAIN MEETINGS. (a) This section applies only to an open meeting of a governmental body at which at least a majority of the members of the body participate by a method other than by appearing in person at the meeting's physical location, including by telephone conference call or video conference call.

(b) The requirements prescribed by this section are in addition to other requirements of law applicable to an open meeting. Except as provided by this section, this section prevails to the extent of a conflict with another provision of law.

(c) A governmental body shall ensure that members of the public are able to listen to and, if applicable, speak at an open meeting to which this section applies by telephone.

(d) A governmental body that holds an open meeting to which this section applies shall:

(1) make the open meeting audible to the public by telephone and at each location described by Subsection (e)(2);

(2) if the meeting is broadcast live over the Internet

1 or held wholly or partly by video conference call, provide public
2 access to both audiovisual and audio-only feeds of the open meeting
3 over the Internet or by using a free, widely available computer
4 application; and

5 (3) if applicable, allow members of the public to
6 address the governmental body as provided by Section 551.007:

7 (A) by telephone; and

8 (B) by video conference call if the meeting is
9 held wholly or partly by video conference call.

10 (e) The notice of an open meeting to which this section
11 applies must:

12 (1) comply with the requirements of this chapter;

13 (2) list each physical location where a member of the
14 public may observe and participate in the meeting, including:

15 (A) any location that is open to the public where
16 a member of the governmental body intends to participate in the
17 meeting; and

18 (B) any facility provided by the governmental
19 body for a member of the public to observe or speak at the meeting;

20 (3) include a toll free telephone number that members
21 of the public may use to hear and, if applicable, speak at the
22 meeting;

23 (4) include access information for any audiovisual or
24 audio-only feeds required by Subsection (d)(2); and

25 (5) include instructions for a member of the public to
26 speak at the meeting:

27 (A) from a remote location; or

1 (B) while physically present at a location
2 described by Subdivision (2).

3 (f) An open meeting to which this section applies shall be
4 recorded. Except as otherwise provided by law, the recording shall
5 be made available to the public not later than 24 hours after the
6 adjourning of the meeting.

7 SECTION 2. The heading to Section 551.023, Government Code,
8 is amended to read as follows:

9 Sec. 551.023. RECORDING OR LIVESTREAMING OF MEETING BY
10 PERSON IN ATTENDANCE.

11 SECTION 3. Section 551.023(a), Government Code, is amended
12 to read as follows:

13 (a) A person in attendance at an open meeting of a
14 governmental body may:

15 (1) record all or any part of the [~~an open~~] meeting [~~of~~
16 ~~a governmental body~~] by means of a recorder, video camera, or other
17 means of aural or visual reproduction; or

18 (2) stream live video and audio of all or any part of
19 the meeting on the Internet, provided that such recording does not
20 cause a distraction or disturbance to the proceedings of the
21 meeting.

22 SECTION 4. Subchapter B, Chapter 551, Government Code, is
23 amended by adding Section 551.024 to read as follows:

24 Sec. 551.024. INTERNET BROADCAST AND ARCHIVE OF OPEN
25 MEETINGS. (a) This section applies only to a governmental body
26 that is an agency within the executive or legislative branch of
27 state government to which the total appropriation made in the

1 General Appropriations Act from general revenue for any fiscal year
2 beginning on or after September 1, 2021, including any amount of
3 general revenue transferred to the governmental body under that Act
4 for that fiscal year, is greater than \$10 million and for which the
5 bill pattern for the General Appropriations Act for the same fiscal
6 year designates 100 or more full-time employees.

7 (b) A governmental body that becomes subject to this section
8 under Subsection (a) for a fiscal year shall comply with this
9 section in each following fiscal year.

10 (c) A governmental body subject to this section shall
11 broadcast over the Internet live video and audio of each open
12 meeting of the governmental body. The governmental body shall
13 provide access to the broadcast on the governmental body's Internet
14 website.

15 (d) Not later than the seventh day after the date an open
16 meeting is broadcast under this section, the governmental body
17 shall make available through the governmental body's Internet
18 website archived video and audio of the open meeting. The
19 governmental body shall maintain the archived video and audio of
20 the open meeting on the governmental body's Internet website until
21 the second anniversary of the date the archived video and audio was
22 first made available on the website.

23 (e) The governmental body shall provide on the governmental
24 body's Internet website the same notice of the open meeting that the
25 governmental body is required to post under Subchapter C. The
26 notice must be posted on the governmental body's Internet website
27 within the time required for posting notice under Subchapter C.

1 (f) The governmental body may use for an Internet broadcast
2 of an open meeting of the governmental body a room made available to
3 the governmental body on request in any state building, as defined
4 by Section 2165.301.

5 (g) The governmental body is exempt from the requirements of
6 this section to the extent a catastrophe, as defined by Section
7 551.0411, or a technical breakdown prevents the governmental body
8 from complying with this section. Following the catastrophe or
9 technical breakdown, the governmental body shall make all
10 reasonable efforts to make the required video and audio of the open
11 meeting available in a timely manner.

12 (h) The governmental body shall consider contracting
13 through competitive bidding with a private individual or entity to
14 broadcast and archive an open meeting subject to this section to
15 minimize the cost of complying with this section.

16 SECTION 5. Section 551.041, Government Code, is amended to
17 read as follows:

18 Sec. 551.041. NOTICE OF MEETING REQUIRED. (a) A
19 governmental body shall give written notice of the date, hour,
20 place, and subject of each meeting held by the governmental body.

21 (b) The notice must include:

22 (1) an agenda of the specific subjects to be
23 considered in the open meeting so that the public is aware of the
24 subjects for public deliberation; and

25 (2) to the extent foreseeable at the time the notice is
26 posted, the subjects to be considered in a closed meeting.

27 (c) A governmental body may not conduct a closed meeting on

1 a subject not included in the notice as prescribed by Subsection
2 (b)(2) unless the body determines by official action during the
3 open meeting for which the notice was posted that the necessity of
4 considering the subject was not reasonably foreseeable at the time
5 the notice was posted.

6 SECTION 6. Sections 551.128(b) and (c), Government Code,
7 are amended to read as follows:

8 (b) Except as provided by Subsection (b-1) and subject to
9 the requirements of this section, a governmental body may broadcast
10 an open meeting over the Internet. A governmental body shall
11 broadcast an open meeting over the Internet, or shall hold an open
12 meeting by telephone conference or videoconference, if the physical
13 location of the meeting is not accessible to members of the public
14 or is not large enough to accommodate all persons seeking to attend
15 the meeting in person, including if the location has reduced
16 capacity as the result of an emergency or urgent public necessity,
17 as described by Section 551.045(b).

18 (c) Except as provided by Subsection (b-2), a governmental
19 body that broadcasts a meeting over the Internet shall establish an
20 Internet site and provide free and open access for members of the
21 public to the broadcast from that site. The governmental body shall
22 provide on the Internet site the same notice of the meeting that the
23 governmental body is required to post under Subchapter C. The
24 notice on the Internet must be posted within the time required for
25 posting notice under Subchapter C.

26 SECTION 7. Section 551.024, Government Code, as added by
27 this Act, applies only to an open meeting held on or after September

1 1, 2023.

2 SECTION 8. The changes in law made by this Act apply only to
3 a meeting of a governmental body held on or after the effective date
4 of this Act.

5 SECTION 9. This Act takes effect September 1, 2021.