

By: Vasut

H.B. No. 3330

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(b), Government Code, is amended to read as follows:

(b) A meeting held by telephone conference call may be held only if the meeting is held by an advisory board, or:

(1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and

(2) holding a meeting under Section 551.127 [~~the convening at one location of a quorum of the governmental body~~] is difficult or impossible [~~, or~~

~~(3) the meeting is held by an advisory board~~].

SECTION 2. Section 551.127, Government Code, is amended by amending Subsections (a-1), (a-3), (b), (e), and (k) and adding Subsections (l) and (m) 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 broadcast live at the meeting and complies with the provisions of this section and:

(1) the meeting is held by a governmental body whose territory or jurisdiction includes an area stricken or threatened

1 by:

2 (A) a disaster declared under Chapter 418; or

3 (B) a public health disaster declared under  
4 Chapter 81, Health and Safety Code;

5 (2) other law or the governmental body's charter  
6 authorizes the member to participate remotely; or

7 (3) before the meeting the member submits a written  
8 statement to the chief administrative official of the governmental  
9 body indicating that:

10 (A) a quorum of the governmental body has  
11 authorized the member to participate remotely; or

12 (B) the member is unable to attend the meeting in  
13 person because the member:

14 (i) must attend a funeral;

15 (ii) is ill;

16 (iii) must care for a spouse or dependent  
17 who is ill;

18 (iv) is on active duty with the armed  
19 forces; or

20 (v) must be physically present at another  
21 location due to the member's employment with another entity if the  
22 governmental body pays the member less than \$500 per month and the  
23 member has not participated in a meeting of the governmental body by  
24 videoconference call under this subparagraph during the previous 30  
25 days.

26 (a-3) A member of a governmental body who participates in a  
27 meeting by videoconference call shall be considered absent from any

1 portion of the meeting during which audio or video communication  
2 with the member is lost or disconnected. The governmental body may  
3 continue the meeting only if a quorum of the body remains present at  
4 the meeting location or, if applicable, continues to participate in  
5 the [a] meeting by videoconference call and is not considered  
6 absent under this subsection [conducted under Subsection (c)].

7 (b) A meeting may be held by videoconference call only if  
8 the member of the governmental body presiding over the meeting is  
9 physically present at one location of the meeting that is open to  
10 the public during the open portions of the meeting [a quorum of the  
11 governmental body is physically present at one location of the  
12 meeting, except as provided by Subsection (c)].

13 (e) The notice of a meeting to be held by videoconference  
14 call [~~must specify as a location of the meeting the location where a~~  
15 ~~quorum of the governmental body will be physically present and~~  
16 ~~specify the intent to have a quorum present at that location, except~~  
17 ~~that the notice of a meeting to be held by videoconference call~~  
18 ~~under Subsection (c)] must specify as a location of the meeting the  
19 location where the member of the governmental body presiding over  
20 the meeting will be physically present and specify the intent to  
21 have the member of the governmental body presiding over the meeting  
22 present at that location. The location where the member of the  
23 governmental body presiding over the meeting is physically present  
24 shall be open to the public during the open portions of the meeting.~~

25 (k) Without regard to whether a member of the governmental  
26 body is participating in a meeting from a remote location by  
27 videoconference call, a governmental body may allow a person to

1 speak [~~member of the public to testify~~] at a meeting from a remote  
2 location by videoconference call.

3 (1) An employee of a governmental body may participate  
4 remotely in a meeting of the governmental body by means of a  
5 videoconference call if the video and audio feed of the employee's  
6 participation is broadcast live at the meeting and complies with  
7 the provisions of this section.

8 (m) A governmental body whose territory or jurisdiction  
9 includes an area stricken or threatened by a public health disaster  
10 declared under Chapter 81, Health and Safety Code, is not required  
11 to comply with:

12 (1) Subsection (f); or

13 (2) the provisions of Subsections (b) and (e) that  
14 require the presiding member's location to be open to the public.

15 SECTION 3. Section 81.406(b), Health and Safety Code, is  
16 amended to read as follows:

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

19 SECTION 4. Section 551.127(c), Government Code, is  
20 repealed.

21 SECTION 5. The changes in law made by this Act apply only to  
22 a meeting for which notice is first posted on or after the effective  
23 date of this Act.

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.