

By: Paxton

S.B. No. 861

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 to read as follows:

Sec. 551.125. MEETING FROM REMOTE LOCATIONS BY TELEPHONE CONFERENCE CALL [~~OTHER GOVERNMENTAL BODY~~]. (a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting from one or more remote locations by telephone conference call.

(b) A meeting held by telephone conference call may be held only if:

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

~~(2)]~~ the convening at one location of a quorum of the governmental body is difficult or impossible; or

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

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings except as otherwise provided by Subsection (d).

(d) The notice of the telephone conference call meeting must:

(1) include the statement "Telephone conference call under Section 551.125, Government Code" in lieu of the place of the

1 meeting;

2 (2) list each physical location where members of the
3 public may listen to or participate in the meeting, including:

4 (A) any location that is open to the public where
5 a member of the governmental body intends to participate in the
6 meeting; and

7 (B) any facility provided by the governmental
8 body for members of the public to listen to the meeting or provide
9 testimony;

10 (3) include access information for an audio feed of
11 the meeting; and

12 (4) if applicable, include instructions for members of
13 the public to provide testimony to the governmental body [~~specify~~
14 ~~as the location of the meeting the location where meetings of the~~
15 ~~governmental body are usually held]~~.

16 (e) Any method of access that is provided to the public for
17 listening to or participating in the telephone conference call
18 meeting must be widely available at no cost to the public,
19 including:

20 (1) a toll-free telephone number; or

21 (2) a free, widely available computer application that
22 can be installed on:

23 (A) a mobile telephone;

24 (B) a computer;

25 (C) an Internet-connected television; or

26 (D) a similar, widely available electronic
27 device.

1 (f) [~~(e)~~] Each part of the telephone conference call
2 meeting that is required to be open to the public shall be audible
3 to the public using the access information described by Subsection
4 (d) [~~at the location specified in the notice of the meeting as the~~
5 ~~location of the meeting~~] and shall be recorded. The recording shall
6 be made available to the public.

7 (g) [~~(f)~~] The [~~location designated in the notice as the~~
8 ~~location of the meeting shall provide two-way communication during~~
9 ~~the entire telephone conference call meeting and the~~]
10 identification of each party to the telephone conference shall be
11 clearly stated prior to speaking.

12 (h) If the governmental body prepares an agenda packet that
13 would have been distributed to members of the public at a
14 face-to-face meeting, the governmental body shall make the packet
15 available electronically so that members of the public listening
16 remotely can follow along with the meeting.

17 SECTION 2. Section 551.127, Government Code, is amended to
18 read as follows:

19 Sec. 551.127. MEETING FROM REMOTE LOCATIONS BY
20 VIDEOCONFERENCE CALL. (a) Except as otherwise provided by this
21 section, this chapter does not prohibit a governmental body from
22 holding an open or closed meeting from one or more remote locations
23 by videoconference call.

24 (b) [~~(a-1)~~] A member or employee of a governmental body may
25 participate remotely in a meeting of the governmental body by means
26 of a videoconference call if the [~~video and~~] audio feed and, if
27 applicable, video feed of the member's or employee's participation

1 ~~[, as applicable, is broadcast live at the meeting and]~~ complies
2 with the provisions of this section.

3 (c) ~~[(a-2)]~~ A member of a governmental body who
4 participates in a meeting as provided by Subsection (b) ~~[(a-1)]~~
5 shall be counted as present at the meeting for all purposes.

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

16 ~~[(b) A meeting may be held by videoconference call only if a~~
17 ~~quorum of the governmental body is physically present at one~~
18 ~~location of the meeting, except as provided by Subsection (c).~~

19 ~~[(c) A meeting of a state governmental body or a~~
20 ~~governmental body that extends into three or more counties may be~~
21 ~~held by videoconference call only if the member of the governmental~~
22 ~~body presiding over the meeting is physically present at one~~
23 ~~location of the meeting that is open to the public during the open~~
24 ~~portions of the meeting.]~~

25 (e) ~~[(d)]~~ A meeting held by videoconference call is subject
26 to the notice requirements applicable to other meetings except as
27 otherwise provided by Subsection (f) ~~[in addition to the notice~~

1 ~~requirements prescribed by this section].~~

2 (f) [~~(e)~~] The notice of a meeting to be held by
3 videoconference call must:

4 (1) include the statement "Videoconference call under
5 Section 551.127, Government Code" in lieu of the place of the
6 meeting;

7 (2) list each physical location where members of the
8 public may observe or participate in the meeting, including:

9 (A) any location that is open to the public where
10 a member of the governmental body intends to participate in the
11 meeting; and

12 (B) any facility provided by the governmental
13 body for members of the public to observe the meeting or provide
14 testimony;

15 (3) include access information for both audio-only and
16 audiovisual feeds of the meeting; and

17 (4) if applicable, include instructions for members of
18 the public to provide testimony to the governmental body [~~specify~~
19 ~~as a location of the meeting the location where a quorum of the~~
20 ~~governmental body will be physically present and specify the intent~~
21 ~~to have a quorum present at that location, except that the notice of~~
22 ~~a meeting to be held by videoconference call under Subsection (c)~~
23 ~~must specify as a location of the meeting the location where the~~
24 ~~member of the governmental body presiding over the meeting will be~~
25 ~~physically present and specify the intent to have the member of the~~
26 ~~governmental body presiding over the meeting present at that~~
27 ~~location. The location where the member of the governmental body~~

1 ~~presiding over the meeting is physically present shall be open to~~
2 ~~the public during the open portions of the meeting].~~

3 (g) Any method of access that is provided to the public for
4 the purpose of observing or participating in a meeting held under
5 this section must be widely available at no cost to the public,
6 including:

7 (1) a toll-free telephone number; or

8 (2) a free, widely available computer application that
9 can be installed on:

10 (A) a mobile telephone;

11 (B) a computer;

12 (C) an Internet-connected television; or

13 (D) a similar, widely available electronic
14 device.

15 (h) [~~(f)~~] Each portion of a meeting held by videoconference
16 call that is required to be open to the public shall be [~~visible~~
17 and] audible and, if applicable, visible to the public using the
18 access information described by Subsection (f) [~~at the location~~
19 specified under Subsection (e)]. If a problem occurs that causes a
20 meeting to no longer be [~~visible and~~] audible to the public [~~at that~~
21 ~~location~~], the meeting must be recessed until the problem is
22 resolved. If the problem is not resolved in six hours or less, the
23 meeting must be adjourned.

24 (i) [~~(g)~~] The governmental body shall make at least an audio
25 recording of the meeting. The recording shall be made available to
26 the public.

27 (j) [~~(h)~~ The location specified under Subsection (e), and

1 ~~each remote location from which a member of the governmental body~~
2 ~~participates, shall have two-way audio and video communication with~~
3 ~~each other location during the entire meeting.]~~ The face of each
4 participant in the videoconference call who is participating in the
5 call using video communication, while that participant is speaking,
6 shall be clearly visible, and the voice audible, to each other
7 participant and, during the open portion of the meeting, to the
8 members of the public, including [~~in attendance at the physical~~
9 ~~location described by Subsection (e) and~~] at any [~~other~~] location
10 described by Subsection (f)(2) [~~of the meeting that is open to the~~
11 ~~public~~].

12 (k) A participant in the videoconference call using solely
13 audio communication:

14 (1) shall, while the participant is speaking, be
15 clearly audible to each other participant and, during the open
16 portion of the meeting, to the members of the public, including at
17 any location described by Subsection (f)(2); and

18 (2) must be clearly identified before speaking.

19 (1) [(i)] The Department of Information Resources by rule
20 shall specify minimum technical quality standards for [~~audio and~~
21 ~~video signals at~~] a meeting held by videoconference call. [~~The~~
22 ~~quality of the audio and video signals perceptible at each location~~
23 ~~of the meeting must meet or exceed those standards.~~]

24 (m) [(j)] The audio and video signals perceptible by
25 members of the public using the access information described under
26 Subsection (f) [~~at each location of the meeting described by~~
27 ~~Subsection (h)~~] must be of sufficient quality so that members of the

1 public [~~at each location~~] can observe the demeanor or [~~and~~] hear the
2 voice, as applicable, of each participant in the open portion of the
3 meeting.

4 (n) [~~(k)~~] Without regard to whether a member of the
5 governmental body is participating in a meeting from a remote
6 location by videoconference call, a governmental body may allow a
7 member of the public to testify at a meeting from a remote location
8 by videoconference call.

9 (o) A governmental body that is holding a meeting by
10 videoconference call where public testimony is taken shall allow a
11 member of the public to testify from a remote location using video
12 or audio communication.

13 (p) If the governmental body prepares an agenda packet that
14 would have been distributed to members of the public at a
15 face-to-face meeting, the governmental body shall make the packet
16 available electronically so that members of the public observing
17 remotely can follow along with the meeting.

18 SECTION 3. Section 551.131(d), Government Code, is amended
19 to read as follows:

20 (d) A meeting held by telephone conference call must
21 otherwise comply with the procedures under Sections 551.125(c),
22 (d), [~~(e), and~~] (f), and (g).

23 SECTION 4. Section 61.06641(i), Education Code, is amended
24 to read as follows:

25 (i) Notwithstanding Chapter 551, Government Code, or any
26 other law, the advisory council may meet by telephone conference
27 call, videoconference, or other similar telecommunication method.

1 A meeting held by telephone conference call, videoconference, or
2 other similar telecommunication method is subject to the
3 requirements of Sections 551.125(c), (d), (f), and (g)
4 [~~551.125(c)-(f)~~], Government Code.

5 SECTION 5. Section 81.406(b), Health and Safety Code, is
6 amended to read as follows:

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

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

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

19 SECTION 7. Section 370.262(a), Transportation Code, is
20 amended to read as follows:

21 (a) Chapter 551, Government Code, does not prohibit any open
22 or closed meeting of the board, a committee of the board, or the
23 staff, or any combination of the board or staff, from being held by
24 telephone conference call. The board may hold an open or closed
25 meeting by telephone conference call subject to the requirements of
26 Sections 551.125(c), (d), (f), and (g) [~~551.125(c)-(f)~~],
27 Government Code, but is not subject to the requirements of

1 Subsection (b) of that section.

2 SECTION 8. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.