

BILL ANALYSIS

Senate Research Center
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S.B. 335
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Family and Protective Services Council was created during the 85th Texas Legislative Session in 2017 as part of H.B. 5. The purpose for the Council is to study and make recommendations to the DFPS Commissioner regarding the management and operation of the department, including policies and rules governing the delivery of services to persons who are served by the department, the rights and duties of persons who are served or regulated by the department, and the consolidation of the provision of administrative support services.

Under the bylaws of the Family and Protective Services Council, the Council falls under the Open Meetings, Chapter 551, Government Code. The Council meets quarterly on agenda items including the ability for public comment. However, the Act does not give members of the public a right to speak on items considered at an open meeting through the use of telephone conference call or other similar telecommunication device. Such a right exists only if a specific state law requires that members of the public be permitted to provide public comment on an issue through those methods.

As proposed, S.B. 335 amends current law relating to meetings of the Family and Protective Services Council held using certain telecommunication devices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40.021, Human Resources Code, by adding Subsection (g), as follows:

(g) Provides that a Family and Protective Services Council meeting held by use of a telephone conference call, video conference call, or other similar telecommunication device:

- (1) is subject to the notice requirements applicable to other meetings;
- (2) is required to be open to the public and audible to the public at the location specified in the notice of the meeting;
- (3) is required to provide two-way audio communication:
 - (A) between all board members attending the meeting during the entire meeting; and
 - (B) if public testimony is provided at the meeting, between all board members and a member of the public testifying at the specified meeting location during the public testimony portion of the meeting; and

(4) if the two-way audio communication link described by Subdivision (3) is disrupted at any time, is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.