

SUBJECT: Allowing boards and commissions to meet via videoconference

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Wolens, Brimer, Carter, Counts, Craddick, Danburg, Hilbert, D. Jones, Longoria, McCall, Ramsay

0 nays

4 absent — S. Turner, Alvarado, Hunter, Stiles

WITNESSES: For — Tom Smith, Public Citizen

Against — None

DIGEST: HB 1772 would allow governmental bodies subject to the Open Meetings Act to hold open or closed meetings with one or more members participating by videoconference. It would require that notices of the meeting specify every location at which a board or commission member would be participating. Each of the locations would have to be open to the public during the open portions of the meeting. The notices would have to state which location would be intended for establishing the quorum.

HB 1772 would prohibit a meeting from being conducted via videoconference if a quorum was not physically present at one location. It would require that the videoconference facility be set up in such a way as to allow public participants to adequately see and hear board members and vice versa. The Department of Information Resources would be required to set standards for audio and video transmission. If an arranged video setup did not meet these standards, the member could not participate in the meeting.

The bill would allow a public participant to testify at a meeting through a videoconferencing location, even if a board member was not participating via the video at the same location.

HB 1772 would take effect September 1, 1997.

SUPPORTERS SAY: HB 1772 would cut down on the cost of travel and reduce the amount of uncompensated time board and commission members must spend on government business by allowing members to take advantage of new videoconferencing technologies.

The bill would remove a barrier to using videoconferencing for board and commission meetings. A 1993 attorney general's opinion held that because there was no clear legislative authorization, a governmental body subject to the Open Meetings Act could not allow a board member to participate via videoconference. The opinion stated a concern that members of the public would be unable to observe the demeanor and hear the voices of members being televised. The technology of videoconferencing has improved dramatically in the past few years so that there is no longer a delay in transmission and all participants may observe the demeanor and hear the voices of all other participants.

HB 1772 also would promote public participation. However, while videoconferencing technology can be a benefit to increasing participation, the medium is still too new to completely do away with the current requirement that members be physically present in one location to constitute a quorum.

OPPONENTS SAY: HB 1772 could be improved by allowing a quorum to be established through a combination of physical presence and video transmission.

NOTES: A similar bill, SB 839 by Bivins, passed the Senate on May 5 and has been referred to the House State Affairs Committee.