

SUBJECT: Allowing boards and commissions to meet via videoconference

COMMITTEE: State Affairs— favorable, with amendments

VOTE: 14 ayes — Wolens, S. Turner, Alvarado, Brimer, Carter, Counts, Craddick, Danburg, Hilbert, Hunter, Longoria, McCall, Ramsay, Stiles

1 nays — D. Jones

0 absent

SENATE VOTE: On final passage, Local and Uncontested Calendar, May 5 — 31-0

WITNESSES: (*On House Companion, HB 1772*)
For — Tom Smith, Public Citizen

Against — None

DIGEST: SB 839, as amended, would allow governmental bodies subject to the Open Meetings Act to hold open or closed meetings via videoconference call. It would require that notices of the meeting be subject to other notice requirements applicable to other meetings in addition to specifying the location where a quorum would be physically present. The notices would have to state which location would be intended for establishing the quorum. Further, the notices would have to specify each 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.

SB 839 would prohibit a meeting from being conducted via videoconference call if a quorum was not physically present at one location. It would require that each part of the videoconference call that was open to the public be visible and audible to members of the public participating at each location. SB 839 would require the board members to make at least one tape recording of the meeting and that the tapes be made available to the public.

The Department of Information Resources would be required to set standards for audio and video transmission, and transmission from each location would have to meet those standards. The bill would specify that the

arranged video setup be clear enough to allow public participants to observe the demeanor and hear the voices of members being televised.

SB 839 would require each location to have two-way communication with every other location during the entire meeting in such a way that each participant could clearly hear and see the other participants while they were speaking and the public participants during the open parts of the meeting.

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

SB 839 would take effect September 1, 1997

**SUPPORTERS
SAY:**

SB 839 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.

SB 839 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 at one location to constitute a quorum.

OPPONENTS SAY: SB 839 could be improved by allowing a quorum to be established through a combination of a physical presence and video transmission.

NOTES: The committee amendments would require that a videoconference call could only be conducted if there were a quorum physically present at one location and that notices of the meeting would have to state the location intended for establishing the quorum. The bill would also be amended to allow public participants to testify at a videoconference location, even if board or commission members were not participating at the same location.