

- SUBJECT:** Allowing open meetings to be held by videoconference call
- COMMITTEE:** Government Efficiency and Reform — committee substitute recommended
- VOTE:** 7 ayes — Harper-Brown, Perry, Capriglione, Stephenson, Taylor, Scott Turner, Vo
0 nays
- WITNESSES:** For — Matt Kramer, Sahs and Associates (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Teresa Beckmeyer; John Dahill, Texas Conference of Urban Counties; Mark Mendez, Tarrant County; Seth Mitchell, Bexar County Commissioners Court; Craig Pardue, Dallas County)
Against — None
On — (*Registered, but did not testify*: Chad Lersch, Texas Department of Information Resources)
- BACKGROUND:** Under the Open Meetings Act, Government Code, sec. 551.127 contains provisions allowing governmental bodies to meet by videoconference call only if a quorum is physically present at one location. The law provides an exception allowing state governmental bodies or governmental bodies that extend into three or more counties to meet by videoconference call if a majority of the quorum is physically present at one location.
- DIGEST:** CSHB 2414 would allow governmental bodies to meet by videoconference call if certain conditions were met, regardless of whether a majority of body's quorum was physically present at one location.
The bill would define "videoconference call" as a communication conducted between two or more persons in which one or more of the participants communicate via duplex audio and video signals transmitted over a telephone network, data network, or the Internet.
A member of the governmental body could be counted present and participate remotely in a meeting by means of a videoconference call if the

video and audio feed of the participation was broadcast live at the meeting and the following conditions were met:

- the governmental body provided public access to at least one suitable physical space located in or near the geographical jurisdiction of the governmental body;
- the location was equipped with videoconference equipment that provided two-way clearly visible and audible audio and video display of each participant, as well as a camera and microphone for public testimony and participation;
- at least one agent of the governmental body was present at the physical space to conduct the meeting and facilitate public participation so that any member of the public could participate in the same manner as a person who was physically present at a meeting not conducted by videoconference call; and
- notice of the meeting specified the location of the described physical space.

The bill would remove a requirement that audio and video signals at locations attended by the public meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting.

The bill would take effect September 1, 2013 and would apply to open meetings held on or after that effective date.

**SUPPORTERS
SAY:**

CSHB 2414 would amend the state's open meetings laws to reflect the use of Internet-based visual communications technology. Its provisions are based on recommendations for the use of Internet-based communication technology changes under the Open Meetings Act, which appear in the Texas Department of Information Resources' 2012 Biennial Performance Report.

By recognizing the availability of technology that lets people meet and interact from remote locations, the bill would allow a member of a governmental body to be counted present and participate at an open meeting by way of videoconferencing. This would help governmental bodies save money by eliminating traveling expenses for members and government employees to physically attend meetings. The ability to meet by videoconference would be particularly helpful to some groundwater conservation districts whose governing board members come from

numerous counties.

The bill would not decrease public participation. It would require the governmental body to make available a conveniently located physical space from which the public could provide testimony or otherwise participate via videoconference. There is no reason to assume that fewer members of the public would take advantage of this option than attend meetings in person today. In any case, this is strictly a permissive bill that would allow governmental bodies to meet by videoconference. Individual governmental bodies could choose to adopt policies that require a majority of its quorum to be physically present in one location at which the public could also convene.

According to the fiscal note, HB 2414 would impose minimal, if any, costs to local governments. Several state agencies reported to the Legislative Budget Board that costs to implement the provisions of CSHB 2414 could be absorbed within existing resources.

OPPONENTS
SAY:

CSHB 2414 could significantly reduce public participation and interaction with members of governmental bodies. Not only would it allow videoconference meetings at which every member of the decision-making body was in a location separate from the public, the bill would not even require an employee of the governmental body to be present to facilitate public participation. The best opportunities for public participation come in meetings where the public and the members of the governmental body are in the same physical space.

While video technology continues to improve, it is not sufficiently reliable to ensure the public would be able to follow the proceedings of videoconference meetings. In addition, despite the projections in the fiscal note, there would be a cost for governmental bodies to purchase the cameras, microphones, and video displays required by CSHB 2414.

OTHER
OPPONENTS
SAY:

It would be fine to allow one or two members of the governmental body to participate in the meeting via videoconferencing technology, but the bill would go too far in no longer requiring that a majority of the quorum be present in a public location. At the very least, such permission should be restricted only to certain types of governmental bodies, such as multicounty groundwater conservation districts.

NOTES:

Compared to HB 2414 as filed, the committee substitute would:

- add telephone network and the Internet to the definition of videoconference call;
- allow governmental body employees to participate remotely in meetings;
- require the physical space available to the public be located within a reasonable distance of the geographic jurisdiction, if any, of the governmental body; and
- remove a requirement that the meeting notice include an Internet website address where someone could watch a meeting.

The bill as introduced would have required that:

- all video and audio communication be displayed in real time on a website maintained by the governmental body and accessible to the public; and
- a member of the public be able to remotely view and listen to the meeting through the website.