

SUBJECT: Adding requirements for remote and in-person open meetings

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 10 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, P. King,
Metcalf, Raymond, Shaheen, Smithee

0 nays

3 absent — Hunter, Lucio, Slawson

WITNESSES: For — Kelley Shannon, Freedom of Information Foundation of Texas;
Laura Prather, Transparent and Accountable Government Coalition;
(*Registered, but did not testify*: Bill Kelly, City of Houston Mayor's
Office; Dena Donaldson, Texas AFT; Michael Schneider, Texas
Association of Broadcasters; Pamela McPeters, Texas Classroom
Teachers Association; Mike Hodges, Texas Press Association; James
Quintero, Texas Public Policy Foundation; Thomas Parkinson)

Against — None

DIGEST: CSHB 2683 would create public access, notice, accessibility and other
requirements for remote or partially remote meetings of a governmental
body subject to the statutory requirements for open meetings. The bill also
would add notice and broadcasting requirements for open meetings.

Remote or partially remote meetings. The bill would require a
governmental body that held an open meeting at which at least a majority
of the members of the body participated by a method other than by
appearing in person at the meeting's physical location, including by
telephone conference call or videoconference call, to:

- make the open meeting audible to the public by telephone and at each physical location where a member of the public could observe and participate in the meeting;
- provide public access to both audiovisual and audio-only feeds of

- the meeting over the internet, if the meeting was broadcast live over the internet or held wholly or partly by videoconference call;
- if applicable, allow members of the public to provide testimony to the governmental body by telephone and by videoconference call if the meeting was wholly or partly held by videoconference call; and
 - ensure that members of the public could listen to and, if applicable, speak at the meeting by telephone.

These requirements for remote or partially remote open meetings would be in addition to other requirements applicable to open meetings. Such an open meeting would have to be recorded and, except as otherwise provided by law, made available to the public not later than 24 hours after the adjourning of the meeting.

The notice of a remote or partially remote open meeting would have to:

- comply with the statutory requirements for open meetings;
- list each physical location where a member of the public could observe and participate in the meeting;
- include a toll free telephone number that members of the public could use to hear and, if applicable, speak at the meeting;
- include access information for any audiovisual or audio-only feeds; and
- include instructions for a member of the public to speak at the meeting from a remote location or while physically present at a physical location where a member of the public could observe and participate in the meeting.

Notice of open meeting. The required written notice of an open meeting would have to include an agenda of the specific subjects to be considered in the meeting and, to the extent foreseeable at the time the notice was posted, the subjects to be considered in a closed meeting.

A governmental body could not conduct a closed meeting on a subject not included in the notice unless the body determined by official action during the open meeting for which the notice was posted that the necessity of

considering the subject was not reasonably foreseeable at the time the notice was posted.

Broadcast of open meeting. With certain exceptions, a governmental body would have to broadcast an open meeting over the internet if the physical location of the meeting was not accessible to members of the public or was not large enough to accommodate all persons seeking to attend the meeting in person, including if the located had reduced capacity as the result of a public emergency or disaster.

With certain exceptions, a governmental body that broadcast a meeting over the internet would have to establish an internet site and provide free and open access for members of the public to the broadcast from that site.

The bill would take effect September 1, 2021, and would apply only to a meeting of a governmental body held on or after the bill's effective date.

SUPPORTERS
SAY:

CSHB 2683 would enhance the openness and transparency of the state government by requiring public access to meetings conducted remotely or partially remotely. During the COVID-19 pandemic, governmental agencies in Texas were able to conduct remote meetings online due to a temporary suspension of the requirement for government officials to be physically present at a meeting location. However, not all governmental agencies provided adequate public access to meetings conducted remotely. The bill would remedy this by requiring the public be able to access and, if applicable, speak during open meetings conducted remotely, requiring the broadcast and archival of certain open meetings, as well as expanding meeting notice requirements.

The bill seeks to create a standard for public access to remote meetings in response to an increase of such meetings because of the pandemic, not to change testimony rules for the Legislature or other governmental bodies.

CRITICS
SAY:

CSHB 2683 should require that same-day registration be allowed for testimony in an open meeting and should codify the ability to testify remotely to the Legislature.

