

CHAPTER 685

H.B. No. 2414

AN ACT

relating to open meetings of governmental bodies held by videoconference call and to written electronic communications between members of a governmental body.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet.

SECTION 2. Section 551.127, Government Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsections (c), (e), (h), and (j) to read as follows:

(a-1) A member or employee of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

1 (c) A meeting of a [~~state~~] governmental body [~~or a~~
2 ~~governmental body that extends into three or more counties~~] may be
3 held by videoconference call only if:

4 (1) the governmental body makes available to the
5 public at least one suitable physical space located in or within a
6 reasonable distance of the geographic jurisdiction, if any, of the
7 governmental body that is equipped with videoconference equipment
8 that provides an audio and video display, as well as a camera and
9 microphone by which a member of the public can provide testimony or
10 otherwise actively participate in the meeting;

11 (2) the member of the governmental body presiding over
12 the meeting is present at that physical space; and

13 (3) any member of the public present at that physical
14 space is provided the opportunity to participate in the meeting by
15 means of a videoconference call in the same manner as a person who
16 is physically present at a meeting of the governmental body that is
17 not conducted by videoconference call [~~a majority of the quorum of~~
18 ~~the governmental body is physically present at one location of the~~
19 ~~meeting~~].

20 (e) The notice of a meeting to be held by videoconference
21 call must specify as a location of the meeting the location of the
22 physical space described by Subsection (c)(1) [~~where a quorum of~~
23 ~~the governmental body will be physically present and specify the~~
24 ~~intent to have a quorum present at that location, except that the~~
25 ~~notice of a meeting to be held by videoconference call under~~
26 ~~Subsection (c) must specify as a location of the meeting each~~
27 ~~location where a majority of the quorum of the governmental body~~

1 ~~will be physically present and specify the intent to have a majority~~
2 ~~of the quorum of the governmental body present at that location. In~~
3 ~~addition, the notice of the meeting must specify as a location of~~
4 ~~the meeting each other location where a member of the governmental~~
5 ~~body who will participate in the meeting will be physically present~~
6 ~~during the meeting. Each of the locations shall be open to the~~
7 ~~public during the open portions of the meeting].~~

8 (h) The physical ~~[Each]~~ location specified under Subsection
9 (e) shall have two-way audio and video communication with each
10 member who is participating by videoconference call ~~[other~~
11 ~~location]~~ during the entire meeting. Each participant in the
12 videoconference call, while speaking, shall be clearly visible and
13 audible to each other participant and, during the open portion of
14 the meeting, to the members of the public in attendance at the
15 physical location described by Subsection (e) and at any other [a]
16 location of the meeting that is open to the public.

17 (j) The ~~[quality of the]~~ audio and video signals perceptible
18 by members of the public at each location of the meeting described
19 by Subsection (h) must [+

20 ~~[(1) meet or exceed the quality of the audio and video~~
21 ~~signals perceptible by the members of the governmental body~~
22 ~~participating in the meeting, and~~

23 ~~[(2)]~~ be of sufficient quality so that members of the
24 public at each location ~~[of the meeting]~~ can observe the demeanor
25 and hear the voice of each participant in the open portion of the
26 meeting.

27 SECTION 3. Subchapter A, Chapter 551, Government Code, is

1 amended by adding Section 551.006 to read as follows:

2 Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE
3 TO PUBLIC. (a) A communication or exchange of information between
4 members of a governmental body about public business or public
5 policy over which the governmental body has supervision or control
6 does not constitute a meeting or deliberation for purposes of this
7 chapter if:

8 (1) the communication is in writing;

9 (2) the writing is posted to an online message board or
10 similar Internet application that is viewable and searchable by the
11 public; and

12 (3) the communication is displayed in real time and
13 displayed on the online message board or similar Internet
14 application for no less than 30 days after the communication is
15 first posted.

16 (b) A governmental body may have no more than one online
17 message board or similar Internet application to be used for the
18 purposes described in Subsection (a). The online message board or
19 similar Internet application must be owned or controlled by the
20 governmental body, prominently displayed on the governmental
21 body's primary Internet web page, and no more than one click away
22 from the governmental body's primary Internet web page.

23 (c) The online message board or similar Internet
24 application described in Subsection (a) may only be used by members
25 of the governmental body or staff members of the governmental body
26 who have received specific authorization from a member of the
27 governmental body. In the event that a staff member posts a

1 communication to the online message board or similar Internet
2 application, the name and title of the staff member must be posted
3 along with the communication.

4 (d) If a governmental body removes from the online message
5 board or similar Internet application a communication that has been
6 posted for at least 30 days, the governmental body shall maintain
7 the posting for a period of six years. This communication is public
8 information and must be disclosed in accordance with Chapter 552.

9 (e) The governmental body may not vote or take any action
10 that is required to be taken at a meeting under this chapter of the
11 governmental body by posting a communication to the online message
12 board or similar Internet application. In no event shall a
13 communication or posting to the online message board or similar
14 Internet application be construed to be an action of the
15 governmental body.

16 SECTION 4. The changes in law made by this Act apply only to
17 an open meeting held on or after the effective date of this Act. An
18 open meeting that is held before the effective date of this Act is
19 governed by the law in effect on the date of the open meeting, and
20 the former law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2013.

David Newhurst
President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 2414 was passed by the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2414 on May 23, 2013, by the following vote: Yeas 145, Nays 1, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2414 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 14 JUNE '13

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

10 pm O'CLOCK

JUN 14 2013

[Signature]
Secretary of State