

SUBJECT: Allowing the Legislative Budget Board to meet by teleconference

COMMITTEE: Government Reform — favorable, without amendment

VOTE: 4 ayes — Swinford, Allen, Casteel, R. Cook

0 nays

3 absent — Gallego, Callegari, T. Smith

WITNESSES: No public hearing

BACKGROUND: The Legislative Budget Board (LBB) is a legislative service agency that develops recommendations for legislative appropriations. Other duties include evaluating agency programs and estimating the probable cost of legislation. Composition of the 10-member board is established by statute. The chair is the lieutenant governor, the vice-chair is the House speaker, and four ex-officio members are the chairs of the House Appropriations, House Ways and Means, Senate Finance, and Senate State Affairs committees. Two other House members are appointed to the board by the speaker, and two senators are appointed by the lieutenant governor.

Government Code, sec. 322.003 requires the board to meet in Austin unless a majority of the members from each house agree to meet elsewhere.

DIGEST: HB 8 would allow LBB members, except the chair and vice-chair, to attend meetings of the board by use of telephone conference call, video conference call, or other telecommunication device. The chair and vice-chair would have to be physically present at a meeting for other board members to attend by telecommunication device. The bill would apply for purposes of constituting a quorum, voting, and any other participation in a meeting by board members, regardless of the subject of the meeting or the topics considered.

A meeting held by use of a telecommunication device would be subject to standard notice requirements and would have to specify in the notice the location of the meeting where the chair and vice-chair would be present. It would have to be open to the public and audible to the public at the location

where the chair and vice-chair were present, and it would have to provide two-way audio communication between all members of the board.

The bill would take effect December 1, 2003.

**SUPPORTERS
SAY:**

HB 8 would allow more members of the LBB to participate in meetings and reduce state expenditures while still protecting the public's right to attend meetings and to monitor governmental deliberations. Currently, when the LBB meets, its members must travel to the meeting from throughout the state, typically held in Austin. Given legislators' busy schedules and outside job demands, it often is difficult for all members to attend a meeting. In addition, traveling to a meeting can involve travel expenses and significant time. HB 8 would address these problems by allowing the LBB to meet through a teleconference call or other telecommunication device.

Government Code, sec. 551.125, part of the open meetings law, allows other state boards, commissions, and agencies to meet through teleconference calls. HB 8 simply would give the LBB the same flexibility.

The bill contains safeguards to ensure that the public's right to government information is not abridged. The LBB's chair and vice-chair would have to be physically present at the meeting site. This would ensure that at least two live persons were at every meeting, encouraging public participation and ensuring public accountability. Meetings would have to continue to meet all applicable notice requirements; the notice would have to specify the location where the chair and vice chair would be present; and the meeting would have to be open and audible to the public.

**OPPONENTS
SAY:**

The authority granted to the LBB in HB 8 is too broad and should be limited to emergencies or when an urgent public necessity exists. Government Code provisions allowing for governmental bodies to meet by telephone conference calls are limited to emergencies or when public necessities exist and convening at one location is difficult or impossible. Although HB 8 would allow the public to hear an LBB meeting held by teleconference, this would not encourage public participation or accountability in the same way that meetings with live persons do. In addition, HB 8 should be explicit in ensuring that if the audio communication was disrupted, the meeting would stop until it was reestablished.

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NOTES:

During the first called session, the House on July 10 passed HB 63 by R. Cook by nonrecord vote, one member recorded voting nay. HB 63 died in the Senate. As passed by the House, HB 63 included an amendment by Rep. Hochberg specifying that if the two-way audio communication link with any member attending an LBB meeting was disrupted at any time, the meeting could not continue until the link was reestablished.

Art. 1 of SB 22 by Ellis, first called session, an omnibus government reorganization bill, was identical to HB 8. SB 22 passed the Senate, but died in the House Government Reform Committee.