

BILL ANALYSIS

Senate Research Center
78R1410 JSA-D

S.B. 472
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3/30/2003
As Filed

DIGEST AND PURPOSE

In light of the terrorist attacks of September 11, 2001, and the current conflict in Iraq, the possibility of terrorist attacks has increased greatly. It is possible that this state might face a circumstance that would limit the ability of many members to attend a legislative session at the capitol. As proposed, S.B. 472 authorizes the legislature to meet via teleconferencing during a period of emergency, and establishes the requisite procedures.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to each house of the Texas Legislature in SECTION 1 (Chapter 301, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 301, Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. EMERGENCY MEETING OF LEGISLATURE

Sec. 301.071. EMERGENCY MEETING BY ELECTRONIC MEANS. (a) Authorizes the legislature to suspend all necessary constitutional rules, by concurrent resolution, to meet in regular or special session by electronic means, if the governor issues a proclamation, under Section 62, Article III, of a period of emergency by enemy attack or the immediate threat of enemy attack.

(b) Authorizes either house of the legislature to meet by electronic means if the legislature resolves to meet. Requires the electronic means to allow each member of the house to hear and see all official proceedings and be heard and seen when participating in the proceedings, and for members of the public to see and hear all official proceedings from a convenient and public location at or close to the Capitol, as the house determines.

(c) Authorizes the governor to suspend the requirement that the legislature hold its sessions in Austin and to designate another location accessible to the public if there is no location in Austin accessible for the public to see and hear the proceedings when meeting by electronic means.

(d) Provides that a member of either house participating in a meeting by electronic means is considered present and in attendance at the session of the legislature.

(e) Requires each house to notify the public of meetings to be held by electronic means in a manner provided by law unless the presiding officer determines that this is not possible, in which case the presiding officer is required to determine the appropriate way to notify the public. Requires certain information to be included in the notification, and exempts certain information.

(f) Requires each house to adopt rules to implement this section.

(g) Provides that this section does not limit the authority of either house to meet in

any manner authorized by the Texas Constitution or other law.

Sec. 301.072. **FACILITIES FOR MEETING BY ELECTRONIC MEANS.** (a) Requires the Texas Legislative Council (TLC), in consultation with each member, to identify at least one public entity operated two-way teleconferencing site near the member's district for use when meeting by electronic means. Requires TLC to try to secure agreements with the public entities for the members' use of the sites. Authorizes TLC to include availability of the facilities free of charge or at cost.

(b) Requires TLC to inform the presiding officer if it cannot locate adequate teleconferencing facilities in or near a house or senate district, and to procure or provide such as directed by the presiding officer.

(c) Requires that an agreement for access to a teleconferencing sites or facilities for a member to participate in a legislative meeting electronically require that access for that reason takes precedence over all other uses of the facilities or services during a declared period of emergency.

(d) Requires TLC to procure or provide access to teleconferencing sites or facilities as soon as practicable, but not later than January 1, 2004. Provides that this subsection expires on January 2, 2004.

Sec. 301.073. **BROADCASTS AND OTHER THIRD-PARTY ACCESS.** Requires the house meeting by electronic means to allow a person, on request, to view and hear the proceedings from a remote location or broadcast the proceedings electronically, to the extent practicable. Requires the person to pay the costs incurred by complying with the request.

SECTION 2. Effective date: upon passage or September 1, 2003.