

## **BILL ANALYSIS**

Senate Research Center  
83R2993 BEF-D

S.B. 916  
By: Estes  
Open Government  
3/14/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2009, the 81st Legislature established the Texas Bioenergy Policy Council (policy council) and the Texas Bioenergy Research Committee (research committee) for the purpose of developing a successful bioenergy industry in the State of Texas. The policy council is composed of 18 members from across the state and the research committee is composed of 16 members from across the state. Both the research committee and the policy council are required to meet regularly at the call of the Texas commissioner of agriculture.

This legislation provides authority to the policy council and the research committee to meet by telephone conference call, videoconference, or other similar telecommunication methods under specific circumstances. This bill also provides that a quorum is established by not less than one-half of the members of the policy council or research committee.

As proposed, S.B. 916 amends current law relating to quorums and meetings by teleconference of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 50D.011(e), Agriculture Code, to provide that the Texas Bioenergy Policy Council (policy council), subject to Section 50D.017, is subject to Chapters 551 (Open Meetings) and 2001 (Administrative Procedure), Government Code.

SECTION 2. Amends Subchapter B, Chapter 50D, Agriculture Code, by adding Sections 50D.016 and 50D.017, as follows:

Sec. 50D.016. QUORUM. Provides that a quorum of the policy council consists of not less than half of the members of the policy council. Authorizes a member who participates in a meeting by telephone conference call, videoconference, or similar telecommunication method to be counted to establish a quorum.

Sec. 50D.017. MEETING BY TELECONFERENCE. (a) Authorizes the policy council, notwithstanding Chapter 551, Government Code, or any other law, to hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method if:

- (1) notice is given for the meeting as for other meetings;
- (2) the notice specifies a location for the meeting at which the public may attend;
- (3) each part of the meeting that is required to be open to the public is audible to the public at the location specified in the notice of the meeting; and

(4) the meeting is recorded by electronic or other means and the recording of each portion of the meeting that is required to be open to the public is made available to the public.

(b) Authorizes a member of the policy council to participate by telephone conference call, videoconference, or other similar telecommunication method in a policy council meeting at which other members are physically present and authorized to vote.

SECTION 3. Amends Section 50D.021(e), Agriculture Code, to provide that the Texas Bioenergy Research Committee (research committee), subject to Section 50D.026, is subject to Chapters 551 and 2001, Government Code.

SECTION 4. Amends Subchapter C, Chapter 50D, Agriculture Code, by adding Sections 50D.025 and 50D.026, as follows:

Sec. 50D.025. QUORUM. Provides that a quorum of the research committee consists of not less than half of the members of the research committee. Authorizes a member who participates in a meeting by telephone conference call, videoconference, or other similar telecommunication method to be counted to establish a quorum.

Sec. 50D.026. MEETING BY TELECONFERENCE. (a) Authorizes the research committee, notwithstanding Chapter 551, Government Code, or any other law, to hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method if:

(1) notice is given for the meeting as for other meetings;

(2) the notice specifies a location for the meeting at which the public may attend;

(3) each part of the meeting that is required to be open to the public is audible to the public at the location specified in the notice of the meeting; and

(4) the meeting is recorded by electronic or other means and the recording of each portion of the meeting that is required to be open to the public is made available to the public.

(b) Authorizes a member of the research committee to participate by telephone conference call, videoconference, or other similar telecommunication method in a research committee meeting at which other members are physically present and authorized to vote.

SECTION 5. Effective date: upon passage or September 1, 2013.