

## **BILL ANALYSIS**

Senate Research Center

S.B. 859  
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Business & Commerce  
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As Filed

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

The 75th Texas Legislature established a water planning process coordinated by 16 regional water planning groups, a "bottom-up" approach that relies heavily on critical work conducted by volunteers. More recently, the 86th Texas Legislature established a flood planning process similar to water planning efforts that is coordinated by 15 regional flood planning groups composed of volunteer members.

Regional water planning groups and regional flood planning groups include representatives from across the state. Volunteer members often spend considerable time and resources traveling to attend meetings, even when the meetings are held in central locations. Allowing an additional, virtual layer to in-person meetings would lower barriers to participation for volunteers, prevent volunteer fatigue, and provide options for public participation and attendance.

During the COVID-19 pandemic, the planning groups successfully utilized videoconference platforms to conduct work and maintain transparency—as authorized by Governor Abbott's executive orders to contain the spread of COVID-19 and corresponding allowance for virtual and telephonic open meetings.

S.B. 859 would allow regional water planning groups and regional flood planning groups to hold an open or closed meeting by telephone or videoconference call. All meetings would be subject to notice requirements and be required to offer a physical location that is open to the public, with the addition of two-way communication capabilities. Telephone conference calls would be subject to requirements in Sections 551.125(c), (d), (e), and (f), Government Code, and videoconference calls would be subject to the requirements in Section 551.127, Government Code.

The allowance for regional water planning groups and regional flood planning groups to hold an open or closed meeting by telephone or video conference is a legislative priority of the Texas Water Development Board in the 87th Legislative Session.

As proposed, S.B. 859 amends current law relating to the authority of certain water planning entities to hold an open or closed meeting by telephone conference call or videoconference call.

### **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 16.053(h)(12), Water Code, as follows:

(12) Authorizes a regional water planning group and any committee or subcommittee of the group to hold an open or closed meeting by telephone conference call or videoconference call. Provides that a meeting held by telephone conference call is subject to the requirements of Sections 551.125(c) (relating to the notice requirements to which a telephone conference call is subject), (d) (relating to the requirement that the notice of the telephone conference call specify the location), (e) (relating to the requirement that each

part of the telephone conference call required to be open to the public be audible to the public and recorded), and (f) (relating to the requirement that the location provide two-way communication and identification of each party during the telephone conference call), Government Code. Provides that a meeting held by videoconference call is subject to the requirements of Section 551.127 (Videoconference Call), Government Code. Makes a nonsubstantive change.

SECTION 2. Amends Section 16.062(1), Water Code, as follows:

(1) Provides that each flood planning group and any committee, rather than each flood planning group and committee, or subcommittee of a flood planning group is subject to Chapters 551 (Open Meetings) and 552 (Public Information), Government Code. Authorizes a flood planning group and any committee or subcommittee of the group to hold an open or closed meeting by telephone conference call or videoconference call. Provides that a meeting held by telephone conference call is subject to the requirements of Sections 551.125(c), (d), (e), and (f), Government Code. Provides that a meeting held by videoconference call is subject to the requirements of Section 551.127, Government Code.

SECTION 3. Effective date: September 1, 2021.