

BILL ANALYSIS

C.S.H.B. 31
By: Branch
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not require the governing board of a public general academic teaching institution or of a university system to broadcast board meetings online. Interested parties contend that the process by which such a board makes decisions should be transparent and that legislators, taxpayers, parents, and students deserve access to the process that produces the decisions of a university's governing board. C.S.H.B. 31 seeks to bring about this transparency by requiring the governing board of a general academic teaching institution or of a university system to broadcast regularly scheduled meetings over the Internet, with certain exceptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 31 amends the Government Code to require the governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled board meeting for which notice is required under the state's open meetings law, to post as early as practicable in advance of the meeting on the Internet website of the institution or university system, as applicable, any written agenda and related supplemental written materials provided by the institution or system to the governing board members for the members' use during the meeting. The bill requires such a board to broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by law for Internet broadcasting of open meetings and to record the broadcast and make that recording publicly available in an online archive located on the institution's or university system's Internet website. The bill exempts from this Internet posting requirement written materials that the general counsel or other appropriate attorney for the institution or university system certifies are confidential or may be withheld from public disclosure under the state's public information law and exempts the governing board of an institution or of a university system from having to comply with the bill's provisions if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control. The bill's provisions apply only to a meeting of the governing board of a general academic teaching institution or of a state university system for which notice of an open meeting is given on or after January 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 31 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences

between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.1281 to read as follows:

Sec. 551.1281. GOVERNING BOARD OF GENERAL ACADEMIC TEACHING INSTITUTION OR UNIVERSITY SYSTEM: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) In this section, "general academic teaching institution" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) The governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled meeting of the governing board for which notice is required under this chapter, shall:

(1) post as early as practicable in advance of the meeting on the Internet website of the institution or university system, as applicable, any written agenda and related supplemental written materials provided by the institution or system to the board members for the members' use during the meeting; and

(2) broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by Section 551.128.

(c) Subsection (b)(1) does not apply to written materials that the general counsel or other appropriate attorney for the institution or university system certifies are confidential or may be withheld from public disclosure under Chapter 552.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.1281 to read as follows:

Sec. 551.1281. GOVERNING BOARD OF GENERAL ACADEMIC TEACHING INSTITUTION OR UNIVERSITY SYSTEM: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) In this section, "general academic teaching institution" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) The governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled meeting of the governing board for which notice is required under this chapter, shall:

(1) post as early as practicable in advance of the meeting on the Internet website of the institution or university system, as applicable, any written agenda and related supplemental written materials provided by the institution or system to the governing board members for the members' use during the meeting;

(2) broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the Internet in the manner prescribed by Section 551.128; and

(3) record the broadcast and make that recording publicly available in an online archive located on the institution's or university system's Internet website.

(c) Subsection (b)(1) does not apply to written materials that the general counsel or other appropriate attorney for the institution or university system certifies are confidential or may be withheld from public disclosure under Chapter 552.

(d) The governing board of a general academic teaching institution or of a university system is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

SECTION 2. The change in law made by this Act applies only to a meeting of the governing board of a **state university** or of a state university system for which notice is given under Chapter 551, Government Code, on or after January 1, 2014.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 2. The change in law made by this Act applies only to a meeting of the governing board of a **general academic teaching institution** or of a state university system for which notice is given under Chapter 551, Government Code, on or after January 1, 2014.

SECTION 3. Same as introduced version.