

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 31
By: Branch et al. (Zaffirini)
Higher Education
5/17/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not require governing boards of public general academic teaching institutions or university systems to broadcast board meetings online. C.S.H.B. 31 seeks to bring about greater transparency by requiring governing boards to broadcast regularly scheduled meetings over the Internet, with certain exceptions.

C.S.H.B. 31 amends the Government Code to require governing boards, 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 system, as applicable, any written agenda and related supplemental written materials provided by the institution or system to the governing board members in advance of the meeting for the members' use during the meeting.

The bill also requires boards to broadcast meetings, other than any portions 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 system certifies are confidential or may be withheld from the public disclosure under the state's public information law and exempts the governing board of an institution or system from complying with the bill's provisions if compliance is not possible by an act of God, force majeure, or similar cause not reasonably within the governing board's control.

C.S.H.B. 31 amends current law relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.

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 Subchapter F, Chapter 551, Government Code, by adding Section 551.1281, 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) Defines "general academic teaching institution" and "university system" in this section.

(b) Requires 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, to:

(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 to the governing board members in advance of the meeting by the institution or system 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 (Internet Broadcast of Open Meeting); 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) Provides that 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 (Public Information).

(d) Provides that 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. Provides that 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 (Open Meetings), Government Code, on or after January 1, 2014.

SECTION 3. Effective date: upon passage or September 1, 2013.