

BILL ANALYSIS

C.S.H.B. 889
By: Fallon
Technology
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that a number of local governmental entities do not broadcast or post archived public meetings online, even though existing technology makes such a practice simple and inexpensive. The parties assert that this creates a burden for citizens who would like to follow proceedings of the governing boards of such entities but find it difficult to be present at meetings. C.S.H.B. 889 seeks to enhance the transparency and accountability of local governments by requiring the governing body of certain counties, public school districts, or home-rule municipalities to broadcast each regularly scheduled open meeting over the Internet and to make available archived video and audio recordings of each meeting broadcast over the Internet.

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. 889 amends the Government Code to require a county commissioners court, an elected school district board of trustees, or an elected governing body of a home-rule municipality, if the county, school district, or municipality has a population of 50,000 or more, to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting and make available an archived copy of the video and audio recording of each meeting on the Internet. The bill authorizes such a governmental body to make available the archived recording of the meeting on an existing Internet site, including a publicly accessible video-sharing or social networking site. The bill establishes that the governmental body is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

C.S.H.B. 889 requires the governmental body of a county, school district, or home-rule municipality with the specified population that maintains an Internet site to make available in a conspicuous manner on that site the archived recording of each applicable meeting or an accessible link to the archived recording of each such meeting. The bill requires the governmental body to make the archived recording of each meeting available not later than seven days after the date the recording was made and to maintain the archived recording on the Internet for at least two years. The bill exempts a governmental body from the bill's provisions relating to the Internet posting of an archived recording of a meeting and to the timeliness and duration of such posting if the governmental body's failure to make the required recording available is the result of a catastrophe or a technical breakdown. The bill requires a governmental body to make all reasonable efforts to make the required recording available in a timely manner following a catastrophe or breakdown and authorizes the governmental body to broadcast a regularly scheduled open meeting of the governmental body on television.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 889 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. Section 551.128, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (b-1) and subject [Subject] to the requirements of this section, a governmental body may broadcast an open meeting over the Internet.

(b-1) The governing body of a county, public school district, or home-rule municipality with a population of 50,000 or more shall:

(1) broadcast each regularly scheduled open meeting over the Internet; and

(2) make available archived video and audio of each meeting broadcast over the Internet under this subsection.

(b-2) A governmental body described by Subsection (b-1) may broadcast a regularly scheduled open meeting and make available archived video and audio of a meeting over an existing Internet site, including a publicly accessible video-sharing or social networking site. The governmental body is not required to establish a separate Internet site and provide access to broadcasts from that site. The governmental body is still subject to the notice requirements under Subsection (c) in relation to the site at which the meetings are available.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 551.128, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), (b-3), (b-4), (b-5), and (b-6) to read as follows:

(b) Except as provided by Subsection (b-1) and subject [Subject] to the requirements of this section, a governmental body may broadcast an open meeting over the Internet.

(b-1) A county commissioners court, an elected school district board of trustees, or an elected governing body of a home-rule municipality, if the county, school district, or municipality has a population of 50,000 or more, shall:

(1) make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting; and

(2) make available an archived copy of the video and audio recording of each meeting described by Subdivision (1) on the Internet under this subsection.

(b-2) A governmental body described by Subsection (b-1) may make available the archived recording of a meeting required by Subsection (b-1) on an existing Internet site, including a publicly accessible video-sharing or social networking site.

The governmental body is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

(b-3) A governmental body described by Subsection (b-1) that maintains an Internet site shall make available on that site, in a conspicuous manner:

(1) the archived recording of each meeting to which Subsection (b-1) applies; or

(2) an accessible link to the archived recording of each such meeting.

(b-4) A governmental body described by Subsection (b-1) shall:

(1) make the archived recording of each meeting to which Subsection (b-1) applies available on the Internet not later than seven days after the date the recording was made; and

(2) maintain the archived recording on the Internet for not less than two years after the date the recording was first made available.

(b-5) A governmental body described by Subsection (b-1) is exempt from the requirements of Subsections (b-2) and (b-4) if the governmental body's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Section 551.0411, or a technical breakdown. Following a catastrophe or breakdown, a governmental body must make all reasonable efforts to make the required recording available in a timely manner.

(b-6) A governmental body described by Subsection (b-1) may broadcast a regularly scheduled open meeting of the body on television.

(c) Except as provided by Subsection (b-2), a ~~[A]~~ governmental body that broadcasts a meeting over the Internet shall establish an Internet site and provide access to the broadcast from that site. The governmental body shall provide on the Internet site the same notice of the meeting that the governmental body is required to post under Subchapter C. The notice on the Internet must be posted within the time required for posting notice under Subchapter C.

(c) Except as provided by Subsection (b-2), a ~~[A]~~ governmental body that broadcasts a meeting over the Internet shall establish an Internet site and provide access to the broadcast from that site. The governmental body shall provide on the Internet site the same notice of the meeting that the governmental body is required to post under Subchapter C. The notice on the Internet must be posted within the time required for posting notice under Subchapter C.

SECTION 2. The changes in law made by this Act apply only to an open meeting held on or after the effective date of this Act. An open meeting that is held before the effective date of this Act is governed by the law in effect on the date of the open meeting, and the former law is continued in effect for that purpose.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.