

## **BILL ANALYSIS**

C.S.H.B. 2668  
By: Vo  
Technology  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Junior colleges are currently not required to post online certain meeting materials or to broadcast open meetings of the junior college governing board. Interested parties assert that junior colleges play an important role in our state's higher education system and that the governing board of a junior college should make decisions through a transparent process.

C.S.H.B. 2668 seeks to improve the transparency of junior college district decision-making by providing on the district's Internet website an opportunity for the public to watch open meetings of the junior college board online and to view any written agenda and related supplemental materials provided by the district to its board members.

### **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. 2668 amends the Government Code to require the governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which public notice is required, to post as early as practicable in advance of the meeting on the district's Internet website any written agenda and related supplemental written materials provided by the district to the board members for the members' use during the meeting; 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 statutory provisions relating to the Internet broadcast of open meetings; and to record the broadcast and make that recording publicly available in an online archive located on the district's Internet website. The bill exempts from these posting requirements written materials that the general counsel or other appropriate attorney for the district certifies are confidential or may be withheld from public disclosure under public information law and establishes that the governing board of a junior college district is not required to comply with the bill's requirements 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 junior college district for which public notice 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. 2668 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 551.1282 to read as follows:

Sec. 551.1282. GOVERNING BOARD OF JUNIOR COLLEGE DISTRICT: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) This section applies only to the governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year.

(b) A governing board to which this section applies, 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 district any written agenda and related supplemental written materials provided by the district 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 district certifies are confidential or may be withheld from public disclosure under Chapter 552.

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

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.1282 to read as follows:

Sec. 551.1282. GOVERNING BOARD OF JUNIOR COLLEGE DISTRICT: INTERNET POSTING OF MEETING MATERIALS AND BROADCAST OF OPEN MEETING. (a) This section applies only to the governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year.

(b) A governing board to which this section applies, 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 district any written agenda and related supplemental written materials provided by the district to the 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 district's Internet website.

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

(d) The governing board of a junior college district 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. Same as introduced version.

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 3. Same as introduced version.