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H.B. No. 889

Substitute the following for H.B. No. 889:

By: Elkins

C.S.H.B. No. 889

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the requirement that certain governmental bodies make  
3 audio and video recordings of open meetings available on the  
4 Internet.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

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

22 (b-2) A governmental body described by Subsection (b-1) may  
23 make available the archived recording of a meeting required by  
24 Subsection (b-1) on an existing Internet site, including a publicly

1 accessible video-sharing or social networking site. The  
2 governmental body is not required to establish a separate Internet  
3 site and provide access to archived recordings of meetings from  
4 that site.

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

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

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

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

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

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

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

27 (b-6) A governmental body described by Subsection (b-1) may

1 broadcast a regularly scheduled open meeting of the body on  
2 television.

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

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

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