

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 10, 2013

TO: Honorable Gary Elkins, Chair, House Committee on Technology

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB889 by Fallon (Relating to the requirement that certain governmental bodies make audio and video recordings of open meetings available on the Internet.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend 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 that 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. The bill would require an archived copy of video and audio to be made available on an existing Internet site. The governmental body would not be required to establish a separate Internet site.

The bill would require a district that maintained an Internet website to provide access to archived recordings of meetings on the site in a conspicuous manner within seven days after the recording was made and maintain the recording for at least two years after the date the recording was first available. A school district would be exempt if a recording was not available due to a catastrophe or technical breakdown, but would be required to make a reasonable effort to make recordings available in a timely manner.

The Texas Education Agency (TEA) indicated the bill would have no direct fiscal implications for the Foundation School Program or the operations of the TEA.

Local Government Impact

TEA interpreted the bill's provisions to apply to a school district that had a population of 50,000 or more within its geographic boundaries. Based on 2010 U.S. Census data, there are over 100 school districts that would be affected. Applicable school districts would be required to provide archived broadcasts of board of trustee meetings using an Internet website. The TEA indicated that school districts would incur administrative costs to either purchase equipment or pay for services to record video and audio of open meetings. At a minimum, the location of the open meeting would require a video camera and a computer with video and audio cards. There would be labor costs to operate the camera. The quality of the recording would be affected by the quality of the equipment. Costs could range anywhere from a few hundred dollars to a few thousand dollars depending on the number of meetings, the amount and quality of equipment, and whether the equipment was purchased, leased, or part of a services contract that covered the cost of labor to archive the video and audio of open meetings to be made available over the Internet.

There could be a fiscal impact to applicable cities and counties that would vary depending on current processes in a locality.

The City of Austin reported no significant fiscal impact is anticipated as the city currently airs public meetings live via video, and archives meetings online. The city also noted that a few advisory boards and commissions currently only post audio recordings.

The City of Conroe reported there would be costs for new equipment totaling an estimated \$4,000 in fiscal year (FY) 2014; and upgraded equipment costs of \$10,000 in FY 2017. The city's affected department's current fiscal year budget is \$100,000.

The City of Baytown reported there would be costs totaling an estimated \$46,147 including costs for mobile recording equipment (\$23,147); staff overtime (\$8,000); and meeting archival costs (\$15,000). The city's affected department's current fiscal year budget is \$201,428.

Dallas County reported there would be costs totaling an estimated \$339,625 including costs for one new employee (\$114,625) and computer equipment (\$225,000) in FY 2014; and costs ranging from \$119,210 in FY 2015 to \$134,095 in FY 2018. The county also noted that the county currently does not have the necessary equipment or staff to record their public meetings. Dallas County's affected department's current fiscal year budget is \$16.9 million.

Source Agencies: 701 Central Education Agency

LBB Staff: UP, RB, TP, JBi