

BILL ANALYSIS

C.S.H.B. 283
By: Fallon
Government Transparency & Operation
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. 283 seeks to enhance the transparency and accountability of certain local governmental bodies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 283 amends the Government Code to require a transit authority or department subject to Transportation Code provisions governing metropolitan rapid transit authorities, regional transportation authorities, or municipal transit departments; an elected school district board of trustees for a school district that has a student enrollment of 10,000 or more; or a county commissioners court or elected governing body of a home-rule municipality for a county or 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 and to make available an archived copy of the video and audio recording on the Internet. The bill requires such a governmental body that maintains an Internet site to make available on that site, in a conspicuous manner, the archived recording of each such meeting or an accessible link to the archived recording.

C.S.H.B. 283 authorizes an applicable governmental body to make the archived recording available on an existing Internet site, including a publicly accessible video-sharing or social networking site, and 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. The bill requires the governmental body to make the archived recording of each meeting available on the Internet not later than seven days after the date the recording was made and to maintain the archived recording on the Internet for not less than two years after the date the recording was first made available. The bill exempts an applicable governmental body from the bill's requirements relating to posting and maintaining video and audio recordings of open meetings on the Internet if the governmental body's failure to make the required recording is the result of a catastrophe that interferes physically with the governmental body's ability to conduct a meeting or the result of a technical breakdown. The bill requires the governmental body, following a catastrophe or technical breakdown, to make all reasonable efforts to make the required

recording available in a timely manner. The bill authorizes an applicable governmental body to broadcast a regularly scheduled open meeting of the body on television.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 283 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted 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), (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.

(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

HOUSE COMMITTEE SUBSTITUTE

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(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 transit authority or department subject to Chapter 451, 452, or 453, Transportation Code, an elected school district board of trustees for a school district that has a student enrollment of 10,000 or more, or a county commissioners court or elected governing body of a home-rule municipality for a county or municipality that 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.

(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.

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 3. This Act takes effect September 1, 2015.

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

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(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

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(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.

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SECTION 3. Same as introduced version.