

BILL ANALYSIS

C.S.H.B. 318
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State open meetings law requires certain meetings of governmental bodies to be open to the public. It has been suggested that broadcasting live and archiving these meetings on the Internet is in the public interest as it would increase transparency, accountability, and public engagement. C.S.H.B. 318 provides for the Internet broadcast and archive of open meetings.

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. 318 amends the Government Code to require an applicable state governmental body to broadcast over the Internet live video and audio of each of its open meetings and to provide access to the broadcast on its website. The bill requires the governmental body, not later than the seventh day after the date an open meeting is broadcast, to make available through its website archived video and audio of the meeting and to maintain the archived video and audio on the website until the second anniversary of the date the archived video and audio was first made available on the website. The bill requires the governmental body to provide on its website the same notice of the open meeting required to be posted under state open meetings law within the time required for posting notice under that law. The bill authorizes the governmental body to use for an Internet broadcast of an open meeting a room made available to the governmental body on request in any state building. The bill exempts a governmental body from the bill's requirements to the extent a catastrophe as defined by state open meetings law or a technical breakdown prevents the governmental body from complying with the requirements but requires the governmental body, following the catastrophe or technical breakdown, to make all reasonable efforts to make the required video and audio of the meeting available in a timely manner. The bill requires a governmental body to consider contracting through competitive bidding with a private individual or entity to broadcast and archive an open meeting to minimize the cost of complying with the bill's provisions.

C.S.H.B. 318 applies to a governmental body that is an executive or legislative branch state agency to which the total appropriation made in the General Appropriations Act from general revenue for any fiscal year beginning on or after September 1, 2019, including any amount of general revenue transferred to the governmental body under that act for that fiscal year, is greater than \$10 million and for which the bill pattern for the General Appropriations Act for the same fiscal year designates 100 or more full-time employees. The bill requires a governmental body

that becomes subject to the bill's provisions for a fiscal year to comply with the bill's provisions in each following fiscal year.

C.S.H.B. 318 requires a governmental body that is an executive or legislative branch state agency to which the bill's provisions relating to the Internet broadcast and archive of open meetings do not apply to make available through its website or social media account an audio recording of an open meeting not later than the seventh day after the date the meeting is held. The bill requires such a governmental body to provide on its website or social media account the same notice of the open meeting required to be posted under state open meetings law within the time required under that law. The bill exempts a governmental body from these requirements to the extent a catastrophe as defined by state open meetings law or a technical breakdown prevents its compliance with the requirements but requires the governmental body to make all reasonable efforts to make the required audio recording of the meeting available in a timely manner following the catastrophe or technical breakdown.

C.S.H.B. 318 applies only to an open meeting held on or after September 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 318 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the characteristics of a state agency subject to the bill's Internet broadcast and archive requirements by:

- decreasing the amount of the total appropriation made in the General Appropriations Act from general revenue for a fiscal year to the agency from an amount that is greater than \$40 million to an amount that is greater than \$10 million; and
- decreasing the number of full-time employees designated for the agency in the bill pattern of the General Appropriations Act for the same fiscal year from 250 or more to 100 or more.

The substitute includes provisions requiring an executive or legislative branch state agency to which those requirements do not apply to make available an audio recording of an open meeting on the agency's website or social media account and provide certain notice of the open meeting, except in certain circumstances involving a catastrophe or technical breakdown.