

BILL ANALYSIS

H.B. 327
By: Howard
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised about the accessibility of state agencies' open meetings and the challenges of maintaining public awareness and understanding of these meetings when so many Texans are unable to attend such meetings in person. Relatedly, it has been suggested that government transparency and civic engagement would be significantly increased by providing improved access to Internet broadcasts of open meetings. H.B. 327 seeks to ensure that members of the public have an opportunity to engage with state government, even if unable to physically attend an open meeting, by requiring each legislative or executive branch state agency of qualifying size to broadcast its open meetings live on the Internet and by requiring other, smaller agencies to promptly make recordings of their meetings available online.

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

H.B. 327 amends the Government Code to require an executive or legislative branch state agency of qualifying size 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 authorizes the agency to use for such a broadcast any room made available on request in any state building and sets out provisions requiring the agency to make available and maintain for two years archived video and audio of the meeting through the agency's website. The bill requires the agency to consider contracting through competitive bidding with a private individual or entity to broadcast and archive an open meeting to minimize compliance costs. These provisions apply if an applicable agency meets the following criteria:

- receives a total appropriation greater than \$10 million from general revenue in the General Appropriations Act for any fiscal year beginning on or after September 1, 2021, including any amount of general revenue transferred that fiscal year; and
- is designated 100 or more full-time employees in the bill pattern for the General Appropriations Act for the same fiscal year.

An agency that becomes subject to these provisions for a fiscal year must also comply in each following fiscal year.

H.B. 327 requires an executive or legislative branch state agency not required to air live broadcasts of its open meetings under the bill's provisions to make an audio recording of each open meeting available through the agency's website or an associated social media account not later than the seventh day after the meeting date.

H.B. 327 sets out certain requirements for executive and legislative branch state agencies regarding the posting of open meeting notices on the Internet and exempts an agency from all applicable bill requirements to the extent a catastrophe, as defined by state open meetings law, or a technical breakdown prevents compliance. The agency must make all reasonable efforts following the catastrophe or technical breakdown to make the requisite video and audio or audio recording available in a timely manner. The bill's provisions apply only to an open meeting held on or after September 1, 2023.

EFFECTIVE DATE

September 1, 2021.