

BILL ANALYSIS

C.S.H.B. 1442

By: Howard

Delivery of Government Efficiency
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State agencies hold open meetings to increase transparency regarding decisions and policies that impact the lives of Texans. Some state agencies, such as the Health and Human Services Commission and the Texas Department of Transportation, provide some form of live broadcast or public meeting archive on their website. The bill author has informed the committee that the lack of uniform standards for Internet broadcasts or recordings of open meetings means that some agencies do not provide access in a clear location on their website or post in a consistent and timely manner. C.S.H.B. 1442 seeks to increase state government transparency by establishing such standards for executive and legislative branch state agencies.

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. 1442 amends the Government Code to set out requirements for broadcasting and archiving open meetings on the Internet that apply to executive branch agencies of a certain size and requirements for Internet access to open meeting recordings that apply to all other executive branch state agencies and all legislative branch state agencies.

Broadcast and Archive Requirements for Certain Executive Branch Agencies

C.S.H.B. 1442 requires an executive branch state agency to broadcast over the Internet live video and audio of each of its open meetings and to provide access to the broadcast on the agency's website if the agency meets the following criteria:

- receives a total appropriation greater than \$10 million from general revenue in the General Appropriations Act (GAA) as specified in the method of financing for any fiscal year beginning on or after September 1, 2025, including any amount of general revenue transferred to the agency under the GAA for that fiscal year; and
- is designated 100 or more full-time equivalent positions in the bill pattern for the GAA for the same fiscal year.

The bill requires the agency, not later than the seventh day after the date an open meeting is broadcast, to make available through the agency's website archived video and audio of the open meeting. That archived video and audio must be maintained on the agency's website until the second anniversary of the date it was first made available on the website. An agency that becomes subject to the bill's broadcast and archive requirements for a given fiscal year must also comply in each following fiscal year.

C.S.H.B. 1442 requires the agency to provide on its website the same notice of the open meeting in the same time frame that it is required to post under state open meetings law relating to notice of meetings. The bill authorizes the agency to use for an Internet broadcast of an open meeting any room made available on request in any building owned or occupied by the state, including buildings or offices leased to the state for state purposes.

C.S.H.B. 1442 exempts the 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 required video and audio of the open meeting available in a timely manner. 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.

Internet Access to Open Meeting Recordings for Other Executive Branch Agencies and All Legislative Branch Agencies

C.S.H.B. 1442 requires a legislative branch state agency or an executive branch state agency that is not required to air live video and audio broadcasts of its open meetings under the bill's provisions to make an audio recording or a video and audio recording of each open meeting available through the agency's website or a social media account associated with the agency not later than the seventh day after the meeting date. The bill requires the agency to provide on its website or social media account the same notice of the open meeting in the same time frame that it is required to post under state open meetings law relating to notice of meetings. The bill exempts the agency from these 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 available in a timely manner the required recording.

C.S.H.B. 1442 adds a temporary provision set to expire September 1, 2030, making these bill provisions relating to Internet access to open meeting recordings inapplicable to a commodity producers board.

Prospective Applicability

C.S.H.B. 1442 applies only to an open meeting held on or after September 1, 2027.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1442 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced subjected legislative branch state agencies that meet the specified GAA thresholds to the requirements for airing live video and audio broadcasts of open meetings and archiving that video and audio and subjected other agencies in that branch to the requirements for Internet access to open meeting recordings. The substitute instead subjects all legislative branch state agencies to the requirements for Internet access to open meeting recordings.

The substitute revises the criteria triggering the application of the live broadcast and archive requirements to an agency as follows:

- for purposes of the GAA appropriation threshold, specifies that the total appropriation made to an agency in the GAA from general revenue is specified in the method of financing for the applicable fiscal year, whereas the introduced did not make that specification; and
- replaces a reference to full-time employees used in the introduced with a reference to full-time equivalent positions.

The substitute includes a temporary provision absent from the introduced that makes the requirements regarding Internet access to open meeting recordings inapplicable to a commodity producers board and is set to expire September 1, 2030.