

BILL ANALYSIS

Senate Research Center
85R13638 SRS-D

C.S.S.B. 115
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Business & Commerce
3/14/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, it is often too difficult, expensive, and time-consuming for average citizens to make the trip to Austin to attend important meetings of the boards and agencies that impact their lives. State agencies regularly conduct open meetings in Austin, but constituents who wish to attend these meetings are often forced to remain uninformed on meeting business due to travel and monetary restrictions, or left to review materials only after the fact when minutes or other information is eventually posted online.

The transparency established by the Open Meetings Act is hampered by the fact that Texas' population does not have easy access to the physical meeting while it is ongoing. Currently, state law does not require agencies of the executive or legislative branches of state government to live-stream their meetings, but some choose to do so because they value transparency. Adding this requirement to the Government Code will bring executive and legislative agencies more in line with the operating procedure of the legislature as well as school district boards of trustees, metropolitan planning organizations, city councils, and county commissioners courts. S.B. 115 requires those agencies that receive an appropriation greater than \$40 million and have 250 or more full-time employees to live-stream their meetings.

In order to reach the transparency level seen in other states, Texas must establish a live-streaming requirement for state agencies' open meetings. Those who cannot travel easily to the physical meeting still have a chance to remain aware of state agency business in real-time. The proliferation of Internet broadcast technology makes this a readily-achievable and affordable way to advance transparency and give Texans greater opportunity to hold state agencies, boards, and commissions accountable. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 115 amends current law relating to the Internet broadcast of certain open meetings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 551, Government Code, by adding Section 551.024, as follows:

Sec. 551.024. INTERNET BROADCAST AND ARCHIVE OF OPEN MEETINGS. (a) Provides that this section is applicable only to certain governmental agencies within the executive or legislative branch of state government.

(b) Requires a governmental body that becomes subject to this section for a fiscal year to comply with this section in each following fiscal year.

(c) Requires a governmental body subject to this section to broadcast over the Internet live video and audio of each open meeting of the governmental body. Requires the governmental body to provide access to the broadcast on the body's website.

(d) Requires the governmental body to make archived video and audio of the open meeting available through the body's website not later than the seventh day after the date an open meeting is broadcast. Requires the governmental body to maintain the archived video and audio on the website for at least two years from the date it was first made available on the website.

(e) Requires the governmental body to provide the same notice on their website of the open meeting that the body is required to post under Subchapter C (Notice of Meetings) and applies the same timing requirements.

(f) Authorizes the governmental body to request and use for its Internet broadcast a room made available in any state building, as defined by Section 2165.301 (Definitions).

(g) Exempts a governmental body from the requirements of this section to the extent a catastrophe, as defined by Section 551.0411 (Meeting Notice Requirements in Certain Circumstances), or a technical breakdown prevents the governmental body from complying with this section. Requires the governmental body to make all reasonable efforts to make the required video and audio of the open meeting available in a timely manner after the catastrophe or technical breakdown.

(h) Requires the 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 this section.

SECTION 2. Makes application of this Act prospective to September 1, 2019.

SECTION 3. Effective date: September 1, 2017.