

SUBJECT: Requiring certain community colleges to broadcast board meetings online

COMMITTEE: Technology — committee substitute recommended

VOTE: 4 ayes — Elkins, Button, Fallon, Gonzales

0 nays

1 absent — Reynolds

WITNESSES: For — (*Registered, but did not testify*: Donnis Baggett, Texas Press Association; Kandice Sanaie, Texas Association of Business; Michael Schneider; Texas Association of Broadcasters)

Against — None

BACKGROUND: Government Code, sec. 551.128 authorizes a governmental body to broadcast an open meeting over the Internet. A governmental body that broadcasts such a meeting is required to establish an Internet site from which it provides access and must give notice of the meeting.

DIGEST: CSHB 2668 would require the governing board of a junior college with more than 20,000 students in any semester to broadcast its regularly scheduled meetings over the Internet. Meeting agendas and supplemental materials would be posted online as early as practicable in advance. The board would record the broadcast and make the recording available in an online archive on the community college district's website.

The board would not be required to:

- broadcast portions of the meeting closed to the public under the law;
- publish materials online certified by the general counsel as confidential or not subject to disclosure under the Public Information Act; or
- comply with the provisions of the bill if compliance were not possible due to an act of God, force majeure, or a similar cause not reasonably within its control.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013, and would apply to meetings of community college governing boards for which notice was given on or before January 1, 2014.

**SUPPORTERS
SAY:**

CSHB 2668 would improve the transparency of the decision-making process at the state's largest public junior colleges by requiring that their board meetings be broadcast online. Not only would these broadcasts help inform the public, but community college board members would be more accountable to the local electorate that selects them. Requiring them to conduct their business in front of a larger public audience would only improve the quality of a board's governance.

Even though community colleges are largely creatures of local government, they do receive large amounts of state funding and it would be appropriate for the Legislature to promulgate good government and high standards for transparency. Further, the bill would not actually dictate the decisions made by community college boards. It only would require that the decision-making process be more open to stakeholders.

Similar proposals pending in the 83rd Legislature, including HB 31 by Branch, would apply the provisions of this bill to board meetings held by the state's institutions of higher education. Just as this level of transparency and accountability would be appropriate for state universities, it would be appropriate for the state's largest community colleges, which should be held to the same standard.

**OPPONENTS
SAY:**

CSHB 2668 would impose mandates on community colleges that violate the important concept of local control. Community colleges are entities of local government and their board members selected by local voters, not the governor. A large portion of their funding comes from local property taxes. The Legislature should avoid mandating how these institutions operate and allow them to retain local control.