

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/23
Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3440 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

J. J. Hinojosa
Hinojosa (chair)
Paul Bettencourt
Bettencourt

Canales
Canales (chair)
Goldman
Goldman

Brian Birdwell
Birdwell

John Holland
Holland

Nathan Johnson
Johnson

Tracy King
King, Tracy

Tom Nichols
On the part of the Senate Nichols

J. M. Lozano
On the part of the House Lozano

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3440

A BILL TO BE ENTITLED

AN ACT

relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.056(b), Government Code, is amended to read as follows:

(b) In addition to the other place at which notice or an agenda of a meeting is required to be posted by this subchapter, the following governmental bodies and economic development corporations must also concurrently post notice of a meeting and the agenda for the meeting on the Internet website of the governmental body or economic development corporation:

(1) a municipality;

(2) a county;

(3) a school district;

(4) the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Chapter 130, Education Code;

(5) a development corporation organized under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code);

(6) a regional mobility authority included within the meaning of an "authority" as defined by Section 370.003, Transportation Code; [~~and~~]

1 (7) a joint board created under Section 22.074,
2 Transportation Code; and

3 (8) a district or authority created under Section 52,
4 Article III, or Section 59, Article XVI, Texas Constitution.

5 SECTION 2. Section 551.056(c), Government Code, is
6 repealed.

7 SECTION 3. Section 551.056(b), Government Code, as amended
8 by this Act, applies only to an open meeting held on or after the
9 effective date of this Act.

10 SECTION 4. This Act takes effect September 1, 2023.

House Bill 3440
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 551.056(b), Government Code, is amended to read as follows:

(b) In addition to the other place at which notice or an agenda of a meeting is required to be posted by this subchapter, the following governmental bodies and economic development corporations must also concurrently post notice of a meeting and the agenda for the meeting on the Internet website of the governmental body or economic development corporation:

- (1) a municipality;
- (2) a county;
- (3) a school district;
- (4) the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Chapter 130, Education Code;
- (5) a development corporation organized under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code);
- (6) a regional mobility authority included within the meaning of an "authority" as defined by Section 370.003, Transportation Code; *and*
- (7) a joint board created under Section 22.074, Transportation Code.

No equivalent provision.

SENATE VERSION (IE)

SECTION 1. Section 551.056, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows: [FA1(1)]

(b) In addition to the other place at which notice or an agenda of a meeting is required to be posted by this subchapter, the following governmental bodies and economic development corporations must also concurrently post notice of a meeting and the agenda for the meeting on the Internet website of the governmental body or economic development corporation:
[FA1(2)]

- (1) a municipality;
- (2) a county;
- (3) a school district;
- (4) the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Chapter 130, Education Code;
- (5) a development corporation organized under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code);
- (6) a regional mobility authority included within the meaning of an "authority" as defined by Section 370.003, Transportation Code; *[and]*
- (7) a joint board created under Section 22.074, Transportation Code; *and*
- (8) a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.**

(b-1) In addition to the requirements of Subsection (b), a governmental body or economic development corporation described by that subsection shall also post on the governmental body's or economic development corporation's

CONFERENCE

SECTION 1. Section 551.056(b), Government Code, is amended to read as follows:

(b) Same as Senate version.

Same as House version.

House Bill 3440
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Internet website any supplemental written materials provided to the members of the governmental body or economic development corporation in advance of a meeting for use during the meeting. The governmental body or economic development corporation must post the materials as soon as practicable in advance of the meeting. [FA1(3)]

No equivalent provision.

(b-2) A governmental body or economic development corporation is not required to post information under Subsection (b) or (b-1) that is confidential or that may be withheld from disclosure under Chapter 552. [FA1(4)-(5)]

Same as House version.

SECTION 2. Repealer.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

SECTION 3. *Section 551.056(b), Government Code, as amended* by this Act, *applies* only to an open meeting held on or after the effective date of this Act.

SECTION 3. *The changes in law made* by this Act *apply* only to an open meeting held on or after the effective date of this Act. *An open meeting held before the effective date of this Act is governed by the law in effect on the date the meeting was held, and the former law is continued in effect for that purpose.*

SECTION 3. Same as House version.

SECTION 4. Effective date.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3440** by Canales (relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on HB 3440 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(Signature)

5/26/23
(Date)