

By: Wu, Jetton, Geren

H.B. No. 537

Substitute the following for H.B. No. 537:

By: Spiller

C.S.H.B. No. 537

A BILL TO BE ENTITLED

AN ACT

relating to public access to the audit records of certain governmental entities.

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

SECTION 1. Subtitle A, Title 5, Government Code, is amended by adding Chapter 561 to read as follows:

CHAPTER 561. AUDIT RECORDS

Sec. 561.001. DEFINITIONS. In this chapter:

(1) "Audit" includes:

(A) a financial audit described by Section

321.0131;

(B) a compliance audit described by Section

321.0132;

(C) an economy and efficiency audit described by

Section 321.0133;

(D) an effectiveness audit described by Section

321.0134;

(E) an investigation described by Section

321.0136; or

(F) an internal or independent external audit

initiated or commissioned by the governing body of a governmental

entity described by Subdivision (2)(B), (C), or (D) or the chief

executive of a division or department of a governmental entity

described by Subdivision (2)(B), (C), or (D).

1 (2) "Governmental entity" means:

2 (A) a board, commission, department, committee,
3 institution, agency, or office that is within or is created by the
4 executive or legislative branch of state government and that is
5 directed by one or more elected or appointed members;

6 (B) a county commissioners court in the state;

7 (C) a municipal governing body in the state; or

8 (D) a deliberative body that has rulemaking or
9 quasi-judicial power and that is classified as a department,
10 agency, or political subdivision of a county or municipality.

11 (3) "Records" does not include audit working papers as
12 defined by Section [552.116](#).

13 Sec. 561.002. AUDIT RECORDS. (a) A governmental entity
14 that is the subject of an audit shall:

15 (1) make the records relating to the audit, including
16 any final report, available to the public on request under Chapter
17 [552](#); and

18 (2) not later than the 30th day after the date the
19 audit is completed, post the final report for the audit:

20 (A) on the governmental entity's Internet
21 website; or

22 (B) if the governmental entity does not have an
23 Internet website, on a publicly accessible Internet website.

24 (b) A governmental entity may redact any confidential
25 information from the report as necessary to comply with state or
26 federal law, including any information that is confidential or not
27 subject to disclosure under Chapter [552](#).

1 (c) A governmental entity that, without good cause, fails to
2 comply with this chapter is liable to a person for any reasonable
3 expenses the person incurs trying to access the audit records,
4 including reasonable attorney's fees.

5 SECTION 2. (a) Except as provided by Subsection (b) of this
6 section, Chapter 561, Government Code, as added by this Act,
7 applies only to an audit performed on or after the effective date of
8 this Act.

9 (b) Section 561.002(a)(1), Government Code, as added by
10 this Act, applies to an audit performed before, on, or after the
11 effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2023.