

By: Wu

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 shall:

15 (1) make the records relating to any audit of the
16 governmental entity, including any final report, available to the
17 public on request; 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.

27 (c) A governmental entity that, without good cause, fails to

1 comply with this chapter is liable to a person for any reasonable
2 expenses the person incurs trying to access the audit records,
3 including reasonable attorney's fees.

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

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

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