

By: Bailey

H.B. No. 2643

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the application of the open meetings law and the open  
3 records law to certain entities that are parties to certain  
4 contracts with this state.

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

6 SECTION 1. Section 551.001(3), Government Code, as amended  
7 by Chapters 633 and 1004, Acts of the 77th Legislature, Regular  
8 Session, 2001, is reenacted and amended to read as follows:

9 (3) "Governmental body" means:

10 (A) a board, commission, department, committee,  
11 or agency within the executive or legislative branch of state  
12 government that is directed by one or more elected or appointed  
13 members;

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

15 (C) a municipal governing body in the state;

16 (D) a deliberative body that has rulemaking or  
17 quasi-judicial power and that is classified as a department,  
18 agency, or political subdivision of a county or municipality;

19 (E) a school district board of trustees;

20 (F) a county board of school trustees;

21 (G) a county board of education;

22 (H) the governing board of a special district  
23 created by law;

24 (I) a local workforce development board created

1 under Section 2308.253; ~~and~~

2 (J) a nonprofit corporation that is eligible to  
3 receive funds under the federal community services block grant  
4 program and that is authorized by this state to serve a geographic  
5 area of the state;

6 (K) [~~J~~] a nonprofit corporation organized  
7 under Chapter 67, Water Code, that provides a water supply or  
8 wastewater service, or both, and is exempt from ad valorem taxation  
9 under Section 11.30, Tax Code; and

10 (L) the governing body of an entity that:

11 (i) is a party to a contract with this state  
12 under which the entity provides a service, including the provision  
13 of an integrated eligibility determination and service delivery  
14 system for health and human services, or performs a duty that was  
15 formerly provided or performed by this state or an agency of this  
16 state; and

17 (ii) engages or proposes to engage in a  
18 deliberation relating to:

19 (a) the contract or a matter relating  
20 to the contract;

21 (b) the providing by the entity of a  
22 service under that contract; or

23 (c) the performing by the entity of a  
24 duty under that contract.

25 SECTION 2. Section 552.003(1), Government Code, as amended  
26 by Chapters 633 and 1004, Acts of the 77th Legislature, Regular  
27 Session, 2001, is reenacted and amended to read as follows:

1 (1) "Governmental body":

2 (A) means:

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

7 (ii) a county commissioners court in the  
8 state;

9 (iii) a municipal governing body in the  
10 state;

11 (iv) a deliberative body that has  
12 rulemaking or quasi-judicial power and that is classified as a  
13 department, agency, or political subdivision of a county or  
14 municipality;

15 (v) a school district board of trustees;

16 (vi) a county board of school trustees;

17 (vii) a county board of education;

18 (viii) the governing board of a special  
19 district;

20 (ix) the governing body of a nonprofit  
21 corporation organized under Chapter 67, Water Code, that provides a  
22 water supply or wastewater service, or both, and is exempt from ad  
23 valorem taxation under Section 11.30, Tax Code;

24 (x) [~~(ix)~~] a local workforce development  
25 board created under Section 2308.253;

26 [~~(x) the part, section, or portion of an~~  
27 ~~organization, corporation, commission, committee, institution, or~~

1 ~~agency that spends or that is supported in whole or in part by~~  
2 ~~public funds; and]~~

3 (xi) a nonprofit corporation that is  
4 eligible to receive funds under the federal community services  
5 block grant program and that is authorized by this state to serve a  
6 geographic area of the state; ~~and]~~

7 (xii) an entity, or the part, section, or  
8 portion of an entity that is a party to a contract with this state  
9 under which the entity, or that part, section, or portion of that  
10 entity provides a service, including the provision of an  
11 integrated eligibility determination and service delivery system  
12 for health and human services, or performs a duty that was formerly  
13 provided or performed by this state or an agency of this state; and

14 (xiii) the part, section, or portion of an  
15 organization, corporation, commission, committee, institution, or  
16 agency that spends or that is supported in whole or in part by  
17 public funds; and

18 (B) does not include the judiciary.

19 SECTION 3. (a) This Act takes effect September 1, 2003.

20 (b) The change in law made by Section 1 of this Act applies  
21 only to a deliberation of the governing body of an entity that is a  
22 party to a contract with this state that begins on or after  
23 September 4, 2003. A deliberation of the governing body of an  
24 entity that is a party to a contract with this state that begins  
25 before September 4, 2003, is covered by the law in effect when the  
26 deliberation begins, and the former law is continued in effect for  
27 that purpose.

1           (c) The change in law made by Section 2 of this Act applies  
2 to information held by an entity, or a part, section, or portion of  
3 an entity, regardless of when the information was collected or  
4 assembled.

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2003.