

By: Johnson of Dallas

H.B. No. 231

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the applicability of the public information law to
3 independent organizations certified to manage a power region.

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

5 SECTION 1. Section 552.003(1), Government Code, is amended
6 to read as follows:

7 (1) "Governmental body":

8 (A) means:

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

13 (ii) a county commissioners court in the
14 state;

15 (iii) a municipal governing body in the
16 state;

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

21 (v) a school district board of trustees;

22 (vi) a county board of school trustees;

23 (vii) a county board of education;

24 (viii) the governing board of a special

1 district;

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

6 (x) a local workforce development board
7 created under Section 2308.253;

8 (xi) a nonprofit corporation that is
9 eligible to receive funds under the federal community services
10 block grant program and that is authorized by this state to serve a
11 geographic area of the state;

12 (xii) a confinement facility operated under
13 a contract with any division of the Texas Department of Criminal
14 Justice;

15 (xiii) a civil commitment housing facility
16 owned, leased, or operated by a vendor under contract with the state
17 as provided by Chapter 841, Health and Safety Code;

18 (xiv) an entity that receives public funds
19 in the current or preceding state fiscal year to manage the daily
20 operations or restoration of the Alamo, or an entity that oversees
21 such an entity; ~~and~~

22 (xv) the part, section, or portion of an
23 organization, corporation, commission, committee, institution, or
24 agency that spends or that is supported in whole or in part by
25 public funds; and

26 (xvi) an independent organization
27 established under Section 39.151, Utilities Code; and

1 (B) does not include:

2 (i) the judiciary; or

3 (ii) an economic development entity whose
4 mission or purpose is to develop and promote the economic growth of
5 a state agency or political subdivision with which the entity
6 contracts if:

7 (a) the entity does not receive \$1
8 million or more in public funds from a single state agency or
9 political subdivision in the current or preceding state fiscal
10 year; or

11 (b) the entity:

12 (1) either:

13 (A) does not have the
14 authority to make decisions or recommendations on behalf of a state
15 agency or political subdivision regarding tax abatements or tax
16 incentives; or

17 (B) does not require an
18 officer of the state agency or political subdivision to hold office
19 as a member of the board of directors of the entity;

20 (2) does not use staff or office
21 space of the state agency or political subdivision for no or nominal
22 consideration, unless the space is available to the public;

23 (3) to a reasonable degree,
24 tracks the entity's receipt and expenditure of public funds
25 separately from the entity's receipt and expenditure of private
26 funds; and

27 (4) provides at least quarterly

1 public reports to the state agency or political subdivision
2 regarding work performed on behalf of the state agency or political
3 subdivision.

4 SECTION 2. (a) Chapter 552, Government Code, applies to a
5 request for public information sent to or received by a
6 governmental body, as defined by Section 552.003(1)(A)(xvi),
7 Government Code, as added by this Act, on or after February 1, 2021.

8 (b) For the purpose of computing a deadline under Chapter
9 552, Government Code, or a rule adopted under that chapter, a
10 request for public information described by Subsection (a) of this
11 section that was sent or received on or after February 1, 2021, and
12 before the effective date of this Act is considered to be sent and
13 received on the effective date of this Act.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.