

By: Johnson of Dallas

H.B. No. 2768

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the open meetings law and the public information law to the Texas Energy Reliability Council and to independent organizations established to manage power regions.

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

SECTION 1. Sections 418.309(c) and (d), Government Code, are amended to read as follows:

(c) The ~~[Except as provided by Subsection (d), the meetings of the council and information obtained or created by the]~~ council is ~~[are not]~~ subject to the requirements of Chapters ~~[Chapter]~~ 551 and ~~[or]~~ 552.

(d) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008 ~~[in the same manner as public information]~~.

SECTION 2. Section 551.001(3), Government Code, is amended to read as follows:

(3) "Governmental body" means:

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

(B) a county commissioners court in the state;

(C) a municipal governing body in the state;

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

(E) a school district board of trustees;

(F) a county board of school trustees;

(G) a county board of education;

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

(I) a local workforce development board created under Section 2308.253;

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

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

(L) a joint board created under Section 22.074, Transportation Code; ~~and~~

(M) a board of directors of a reinvestment zone created under Chapter 311, Tax Code; and

(N) an independent organization established under Section 39.151, Utilities Code, to manage a power region.

SECTION 3. Section 552.003(1), Government Code, is amended to read as follows:

(1) "Governmental body":

(A) means:

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

(ii) a county commissioners court in the state;

(iii) a municipal governing body in the state;

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

(v) a school district board of trustees;

(vi) a county board of school trustees;

(vii) a county board of education;

(viii) the governing board of a special district;

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

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

(xi) a nonprofit corporation that is eligible to receive funds under the federal community services

1 block grant program and that is authorized by this state to serve a  
2 geographic area of the state;

3 (xii) a confinement facility operated under  
4 a contract with any division of the Texas Department of Criminal  
5 Justice;

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

9 (xiv) an entity that receives public funds  
10 in the current or preceding state fiscal year to manage the daily  
11 operations or restoration of the Alamo, or an entity that oversees  
12 such an entity; ~~and~~

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

17 (xvi) an independent organization  
18 established under Section 39.151, Utilities Code, to manage a power  
19 region; and

20 (B) does not include:

21 (i) the judiciary; or

22 (ii) an economic development entity whose  
23 mission or purpose is to develop and promote the economic growth of  
24 a state agency or political subdivision with which the entity  
25 contracts if:

26 (a) the entity does not receive \$1  
27 million or more in public funds from a single state agency or

1 political subdivision in the current or preceding state fiscal  
2 year; or

3 (b) the entity:

4 (1) either:

5 (A) does not have the  
6 authority to make decisions or recommendations on behalf of a state  
7 agency or political subdivision regarding tax abatements or tax  
8 incentives; or

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

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

15 (3) to a reasonable degree,  
16 tracks the entity's receipt and expenditure of public funds  
17 separately from the entity's receipt and expenditure of private  
18 funds; and

19 (4) provides at least quarterly  
20 public reports to the state agency or political subdivision  
21 regarding work performed on behalf of the state agency or political  
22 subdivision.

23 SECTION 4. (a) The changes in law made by this Act apply  
24 only to a meeting held on or after the effective date of this Act. A  
25 meeting held before the effective date of this Act is governed by  
26 the law in effect immediately before the effective date of this Act,  
27 and the former law is continued in effect for that purpose.

1           (b) The changes in law made by this Act apply only to a  
2 request for public information received on or after the effective  
3 date of this Act. A request for public information received before  
4 the effective date of this Act is governed by the law in effect when  
5 the request was received, and the former law is continued in effect  
6 for that purpose.

7           SECTION 5. This Act takes effect September 1, 2023.