

By: Middleton

S.B. No. 933

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the definition of a governmental body for the purposes  
3 of the public information law.

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) a nonprofit state association or  
27 organization primarily composed of similarly situated political

1 subdivisions; and

2 (B) does not include:

3 (i) the judiciary; or

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

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

12 (b) the entity:

13 (1) either:

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

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

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

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

1 (4) provides at least quarterly  
2 public reports to the state agency or political subdivision  
3 regarding work performed on behalf of the state agency or political  
4 subdivision.

5 SECTION 2. The change in law made by this Act applies only  
6 to a request for public information received on or after the  
7 effective date of this Act. A request for public information  
8 received before the effective date of this Act is governed by the  
9 law in effect when the request was received, and the former law is  
10 continued in effect for that purpose.

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