

By: Kerwin

H.B. No. 2388

A BILL TO BE ENTITLED

AN ACT

relating to the definition of a governmental body for the purposes of the public information law.

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

SECTION 1. 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

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

