

1-1 By: Capriglione, et al. H.B. No. 111
 1-2 (Senate Sponsor - Hughes, et al.)
 1-3 (In the Senate - Received from the House May 7, 2025;
 1-4 May 19, 2025, read first time and referred to Committee on Business
 1-5 & Commerce; May 26, 2025, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 5;
 1-7 May 26, 2025, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17		X		
1-18	X			
1-19		X		
1-20		X		

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 111 By: Campbell

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to the applicability of the public information law,
 1-25 including the disclosure of information in the possession, custody,
 1-26 or control of certain governmental bodies.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 552.003(1), Government Code, is amended
 1-29 to read as follows:

1-30 (1) "Governmental body":

1-31 (A) means:

1-32 (i) a board, commission, department,
 1-33 committee, institution, agency, or office that is within or is
 1-34 created by the executive or legislative branch of state government
 1-35 and that is directed by one or more elected or appointed members;

1-36 (ii) a county commissioners court in the
 1-37 state;

1-38 (iii) a municipal governing body in the
 1-39 state;

1-40 (iv) a deliberative body that has
 1-41 rulemaking or quasi-judicial power and that is classified as a
 1-42 department, agency, or political subdivision of a county or
 1-43 municipality;

1-44 (v) a school district board of trustees;

1-45 (vi) a county board of school trustees;

1-46 (vii) a county board of education;

1-47 (viii) the governing board of a special
 1-48 district;

1-49 (ix) the governing body of a nonprofit
 1-50 corporation organized under Chapter 67, Water Code, that provides a
 1-51 water supply or wastewater service, or both, and is exempt from ad
 1-52 valorem taxation under Section 11.30, Tax Code;

1-53 (x) a local workforce development board
 1-54 created under Section 2308.253;

1-55 (xi) a nonprofit corporation that is
 1-56 eligible to receive funds under the federal community services
 1-57 block grant program and that is authorized by this state to serve a
 1-58 geographic area of the state;

1-59 (xii) a confinement facility operated under
 1-60 a contract with any division of the Texas Department of Criminal
 1-61 Justice;

2-1 (xiii) a civil commitment housing facility
2-2 owned, leased, or operated by a vendor under contract with the state
2-3 as provided by Chapter 841, Health and Safety Code;

2-4 (xiv) an entity that receives public funds
2-5 in the current or preceding state fiscal year to manage the daily
2-6 operations or restoration of the Alamo, or an entity that oversees
2-7 such an entity; ~~and~~

2-8 (xv) a nonprofit state association or
2-9 organization that:

2-10 (a) is primarily composed of
2-11 similarly situated local governmental entities, as defined by
2-12 Section 552.1085(a)(4);

2-13 (b) has more than 30 full-time
2-14 employees; and

2-15 (c) receives public funds; and

2-16 (xvi) the part, section, or portion of an
2-17 organization, corporation, commission, committee, institution, or
2-18 agency that spends or that is supported in whole or in part by
2-19 public funds; and

2-20 (B) does not include:

2-21 (i) the judiciary; or

2-22 (ii) an economic development entity whose
2-23 mission or purpose is to develop and promote the economic growth of
2-24 a state agency or political subdivision with which the entity
2-25 contracts if:

2-26 (a) the entity does not receive \$1
2-27 million or more in public funds from a single state agency or
2-28 political subdivision in the current or preceding state fiscal
2-29 year; or

2-30 (b) the entity:

2-31 (1) either:

2-32 (A) does not have the
2-33 authority to make decisions or recommendations on behalf of a state
2-34 agency or political subdivision regarding tax abatements or tax
2-35 incentives; or

2-36 (B) does not require an
2-37 officer of the state agency or political subdivision to hold office
2-38 as a member of the board of directors of the entity;

2-39 (2) does not use staff or office
2-40 space of the state agency or political subdivision for no or nominal
2-41 consideration, unless the space is available to the public;

2-42 (3) to a reasonable degree,
2-43 tracks the entity's receipt and expenditure of public funds
2-44 separately from the entity's receipt and expenditure of private
2-45 funds; and

2-46 (4) provides at least quarterly
2-47 public reports to the state agency or political subdivision
2-48 regarding work performed on behalf of the state agency or political
2-49 subdivision.

2-50 SECTION 2. Subchapter A, Chapter 552, Government Code, is
2-51 amended by adding Section 552.0037 to read as follows:

2-52 Sec. 552.0037. NONPROFIT STATE ASSOCIATION OR
2-53 ORGANIZATION. A record or communication created by a nonprofit
2-54 state association or organization described by Section
2-55 552.003(1)(A)(xv) is not public information and not subject to this
2-56 chapter if that record or communication was created before
2-57 September 1, 2025.

2-58 SECTION 3. Section 552.106, Government Code, is amended by
2-59 adding Subsection (c) to read as follows:

2-60 (c) The exception to disclosure provided by this section
2-61 does not apply to governmental bodies described by Sections
2-62 552.003(1)(A)(ii)-(xv), other than special districts created under
2-63 Section 59, Article XVI, Texas Constitution.

2-64 SECTION 4. Section 552.107, Government Code, is amended to
2-65 read as follows:

2-66 Sec. 552.107. EXCEPTION: CERTAIN LEGAL MATTERS. (a)
2-67 Information is excepted from the requirements of Section 552.021
2-68 if:

2-69 (1) it is information that the attorney general or an

3-1 attorney of a political subdivision is prohibited from disclosing
3-2 because of a duty to the client under the Texas Rules of Evidence or
3-3 the Texas Disciplinary Rules of Professional Conduct; or

3-4 (2) a court by order has prohibited disclosure of the
3-5 information.

3-6 (b) The exception to disclosure provided by this section
3-7 does not apply to:

3-8 (1) a communication with an attorney or an attorney's
3-9 representative that is not a confidential communication made for
3-10 the purpose of facilitating the rendition of professional legal
3-11 services to the governmental body; or

3-12 (2) a report, audit, or other material that:
3-13 (A) was created in the absence of pending,
3-14 reasonably anticipated, or threatened litigation;

3-15 (B) was not created at the request of an attorney
3-16 or attorney representative to facilitate the rendition of
3-17 professional legal services to the governmental body; and

3-18 (C) does not contain confidential communications
3-19 made for the purpose of facilitating the rendition of professional
3-20 legal services to the governmental body.

3-21 (c) When rendering a decision under Subchapter G as to
3-22 whether requested information is within the scope of the exception
3-23 to disclosure provided by this section, the attorney general shall:

3-24 (1) restrict the scope of the attorney-client
3-25 privilege by construing the exception narrowly and in favor of the
3-26 public's interest in maximum government transparency; and

3-27 (2) if the attorney general determines that the
3-28 requested information is within the scope of the exception to
3-29 disclosure provided by this section, authorize the governmental
3-30 body to withhold or redact the information to only the minimum
3-31 extent necessary to prevent the disclosure of confidential
3-32 communications made for the purpose of facilitating the rendition
3-33 of professional legal services to the governmental body.

3-34 SECTION 5. Subchapter C, Chapter 552, Government Code, is
3-35 amended by adding Section 552.164 to read as follows:

3-36 Sec. 552.164. EXCEPTION: CONFIDENTIALITY OF CERTAIN
3-37 INTERNAL BUSINESS RECORDS OF CERTAIN NONPROFIT STATE ASSOCIATIONS
3-38 AND ORGANIZATIONS. (a) Notwithstanding Section 552.022(b), the
3-39 internal business records of a governmental body described by
3-40 Section 552.003(1)(A)(xv) are excepted from the requirements of
3-41 Section 552.021 if the internal business records are, as
3-42 demonstrated based on specific factual evidence:

3-43 (1) trade secrets described by Section 552.110;

3-44 (2) commercial or financial information described by
3-45 Section 552.110; or

3-46 (3) proprietary information described by Section
3-47 552.1101.

3-48 (b) In this section, "internal business records" means
3-49 information or communications that are not directly related to the
3-50 transaction of the official business of a political subdivision or
3-51 political subdivisions, including internal financial records,
3-52 information relating to transactions with private entities that
3-53 otherwise do not involve a political subdivision or other
3-54 governmental body, and information related to the internal
3-55 operations of the association or organization.

3-56 SECTION 6. Section 306.003, Government Code, is amended by
3-57 adding Subsection (e) to read as follows:

3-58 (e) Records and communications described by Subsection (a)
3-59 are not subject to Chapter 552.

3-60 SECTION 7. Section 306.004, Government Code, is amended by
3-61 adding Subsection (f) to read as follows:

3-62 (f) Records and communications described by Subsection (a)
3-63 are not subject to Chapter 552.

3-64 SECTION 8. Section 306.008, Government Code, is amended by
3-65 adding Subsection (f) to read as follows:

3-66 (f) Records and communications described by Subsection (a)
3-67 or (b) are not subject to Chapter 552.

3-68 SECTION 9. Sections 325.0195(a) and (b), Government Code,
3-69 are amended to read as follows:

4-1 (a) A working paper, including all documentary or other
4-2 information, prepared or maintained by the commission staff in
4-3 performing its duties under this chapter or other law to conduct an
4-4 evaluation and prepare a report is not public information and not
4-5 subject to Chapter 552 [~~excepted from the public disclosure~~
4-6 ~~requirements of Section 552.021~~].

4-7 (b) A record held by another entity that is considered to be
4-8 confidential by law and that the commission receives in connection
4-9 with the performance of the commission's functions under this
4-10 chapter or another law remains confidential and is not public
4-11 information and not subject to Chapter 552 [~~excepted from the~~
4-12 ~~public disclosure requirements of Section 552.021~~].

4-13 SECTION 10. Sections 552.126 and 552.154, Government Code,
4-14 are repealed.

4-15 SECTION 11. This Act takes effect immediately if it
4-16 receives a vote of two-thirds of all the members elected to each
4-17 house, as provided by Section 39, Article III, Texas Constitution.
4-18 If this Act does not receive the vote necessary for immediate
4-19 effect, this Act takes effect September 1, 2025.

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