



July 11, 2000

Mr. David Scott  
Perryton & Vicinity Activity Center  
P. O. Box 829  
Perryton, Texas 79070

OR2000-2583

Dear Mr. Scott:

On behalf of the Perryton & Vicinity Activity Center, Inc. (the "Activity Center"), you ask whether certain information is subject to required public disclosure under the Texas Public Information Act (the "PIA"), chapter 552 of the Government Code. Your request was assigned ID# 136460.

The Activity Center received a request for various information pertaining to the expulsion of an individual from the Activity Center. You ask whether the Activity Center is a governmental body subject to the PIA.

The PIA generally requires governmental bodies to promptly disclose requested information to the public. *See* Gov't Code §§ 552.001, .002, .003, .221. A "governmental body" for purposes of the PIA includes various entities specified in the PIA, but can also include "the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds." *See id.* § 552.003(1)(A)(x).

You state that the Activity Center is not supported in whole or in part by government funds nor does it expend government funds. You inform us that the Activity Center sells memberships to three governmental entities, the City of Perryton, Perryton Independent School District, and the Ochiltee County Hospital District so that the employees of those governmental entities can use the Activity Center facilities. You state that the Activity Center receives no other funds from a governmental entity. As for the Activity Center's other involvement with governmental entities, you state that the Activity Center leases baseball fields from Ochiltee County, provides insurance for the Little League, pays the light bill for the baseball fields, and the Activity Center and the school occasionally use each other's facilities.

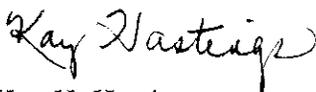
We agree that the Activity Center is not a governmental body subject to the PIA. You have provided no information that would indicate that the Activity Center expends government funds. Furthermore, the receipt of government funds for payment of Activity Center

membership fees does not mean that the Center is supported by public funds within section 552.003(1)(A)(x) of the Government Code. The PIA does not apply to business entities simply because they provide goods or services to a governmental body. See *Kneeland v. National Collegiate Athletic Ass'n*, 850 F.2d 224 (5<sup>th</sup> Cir. 1988), *rev'g* 650 F.Supp. 1047 (W.D. Tex. 1986), *cert. denied*, 488 U.S. 1042 (1989) (National Collegiate Athletic Association not governmental body where public university members received quid pro quo in form of specific, measurable services); *see also* Open Records Decision Nos. 228 (1979), 1 (1973).

As the Activity Center is not a governmental body under the PIA, it is not subject to the PIA's disclosure requirements. Accordingly, the PIA does not require the Activity Center to release the requested information to the requestor.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office at the attorney general's Open Government Hotline, toll free, at 877/673-6839. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/pr

Ref.: ID# 136460

cc: Ms. Dayna Dawn' Yael  
P. O. Box 1235  
Perryton, Texas 79070