

1-1 By: Paxton S.B. No. 347
 1-2 (In the Senate - Filed January 14, 2021; March 9, 2021, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 8, 2021, reported favorably by the following vote: Yeas 8,
 1-5 Nays 1; April 8, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton	X			
1-11 Johnson	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the inclusion of local school health advisory councils
 1-20 as governmental bodies for purposes of the open meetings law and the
 1-21 public information law.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 551.001(3), Government Code, is amended
 1-24 to read as follows:

1-25 (3) "Governmental body" means:

1-26 (A) a board, commission, department, committee,
 1-27 or agency within the executive or legislative branch of state
 1-28 government that is directed by one or more elected or appointed
 1-29 members;

1-30 (B) a county commissioners court in the state;

1-31 (C) a municipal governing body in the state;

1-32 (D) a deliberative body that has rulemaking or
 1-33 quasi-judicial power and that is classified as a department,
 1-34 agency, or political subdivision of a county or municipality;

1-35 (E) a school district board of trustees;

1-36 (F) a county board of school trustees;

1-37 (G) a county board of education;

1-38 (H) the governing board of a special district
 1-39 created by law;

1-40 (I) a local workforce development board created
 1-41 under Section 2308.253;

1-42 (J) a nonprofit corporation that is eligible to
 1-43 receive funds under the federal community services block grant
 1-44 program and that is authorized by this state to serve a geographic
 1-45 area of the state;

1-46 (K) a nonprofit corporation organized under
 1-47 Chapter 67, Water Code, that provides a water supply or wastewater
 1-48 service, or both, and is exempt from ad valorem taxation under
 1-49 Section 11.30, Tax Code; ~~and~~

1-50 (L) a joint board created under Section 22.074,
 1-51 Transportation Code; and

1-52 (M) a local school health advisory council
 1-53 established under Section 28.004, Education Code.

1-54 SECTION 2. Section 552.003(1), Government Code, is amended
 1-55 to read as follows:

1-56 (1) "Governmental body":

1-57 (A) means:

1-58 (i) a board, commission, department,
 1-59 committee, institution, agency, or office that is within or is
 1-60 created by the executive or legislative branch of state government
 1-61 and that is directed by one or more elected or appointed members;

2-1 (ii) a county commissioners court in the
 2-2 state;
 2-3 (iii) a municipal governing body in the
 2-4 state;
 2-5 (iv) a deliberative body that has
 2-6 rulemaking or quasi-judicial power and that is classified as a
 2-7 department, agency, or political subdivision of a county or
 2-8 municipality;
 2-9 (v) a school district board of trustees;
 2-10 (vi) a county board of school trustees;
 2-11 (vii) a county board of education;
 2-12 (viii) the governing board of a special
 2-13 district;
 2-14 (ix) the governing body of a nonprofit
 2-15 corporation organized under Chapter 67, Water Code, that provides a
 2-16 water supply or wastewater service, or both, and is exempt from ad
 2-17 valorem taxation under Section 11.30, Tax Code;
 2-18 (x) a local workforce development board
 2-19 created under Section 2308.253;
 2-20 (xi) a nonprofit corporation that is
 2-21 eligible to receive funds under the federal community services
 2-22 block grant program and that is authorized by this state to serve a
 2-23 geographic area of the state;
 2-24 (xii) a confinement facility operated under
 2-25 a contract with any division of the Texas Department of Criminal
 2-26 Justice;
 2-27 (xiii) a civil commitment housing facility
 2-28 owned, leased, or operated by a vendor under contract with the state
 2-29 as provided by Chapter 841, Health and Safety Code;
 2-30 (xiv) an entity that receives public funds
 2-31 in the current or preceding state fiscal year to manage the daily
 2-32 operations or restoration of the Alamo, or an entity that oversees
 2-33 such an entity; ~~and~~
 2-34 (xv) the part, section, or portion of an
 2-35 organization, corporation, commission, committee, institution, or
 2-36 agency that spends or that is supported in whole or in part by
 2-37 public funds; and
 2-38 (xvi) a local school health advisory
 2-39 council established under Section 28.004, Education Code; and
 2-40 (B) does not include:
 2-41 (i) the judiciary; or
 2-42 (ii) an economic development entity whose
 2-43 mission or purpose is to develop and promote the economic growth of
 2-44 a state agency or political subdivision with which the entity
 2-45 contracts if:
 2-46 (a) the entity does not receive \$1
 2-47 million or more in public funds from a single state agency or
 2-48 political subdivision in the current or preceding state fiscal
 2-49 year; or
 2-50 (b) the entity:
 2-51 (1) either:
 2-52 (A) does not have the
 2-53 authority to make decisions or recommendations on behalf of a state
 2-54 agency or political subdivision regarding tax abatements or tax
 2-55 incentives; or
 2-56 (B) does not require an
 2-57 officer of the state agency or political subdivision to hold office
 2-58 as a member of the board of directors of the entity;
 2-59 (2) does not use staff or office
 2-60 space of the state agency or political subdivision for no or nominal
 2-61 consideration, unless the space is available to the public;
 2-62 (3) to a reasonable degree,
 2-63 tracks the entity's receipt and expenditure of public funds
 2-64 separately from the entity's receipt and expenditure of private
 2-65 funds; and
 2-66 (4) provides at least quarterly
 2-67 public reports to the state agency or political subdivision
 2-68 regarding work performed on behalf of the state agency or political
 2-69 subdivision.

3-1 SECTION 3. (a) The changes in law made by this Act apply
3-2 only to a meeting held on or after the effective date of this Act. A
3-3 meeting held before the effective date of this Act is governed by
3-4 the law in effect immediately before the effective date of this Act,
3-5 and the former law is continued in effect for that purpose.

3-6 (b) The changes in law made by this Act apply only to a
3-7 request for public information received on or after the effective
3-8 date of this Act. A request for public information received before
3-9 the effective date of this Act is governed by the law in effect when
3-10 the request was received, and the former law is continued in effect
3-11 for that purpose.

3-12 SECTION 4. This Act takes effect September 1, 2021.

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