

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the inclusion of local school health advisory councils  
3 as governmental bodies for purposes of the open meetings law and the  
4 public information law.

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

6 SECTION 1. Section 551.001(3), Government Code, is amended  
7 to read as follows:

8 (3) "Governmental body" means:

9 (A) a board, commission, department, committee,  
10 or agency within the executive or legislative branch of state  
11 government that is directed by one or more elected or appointed  
12 members;

13 (B) a county commissioners court in the state;

14 (C) a municipal governing body in the state;

15 (D) a deliberative body that has rulemaking or  
16 quasi-judicial power and that is classified as a department,  
17 agency, or political subdivision of a county or municipality;

18 (E) a school district board of trustees;

19 (F) a county board of school trustees;

20 (G) a county board of education;

21 (H) the governing board of a special district  
22 created by law;

23 (I) a local workforce development board created  
24 under Section 2308.253;

1 (J) a nonprofit corporation that is eligible to  
2 receive funds under the federal community services block grant  
3 program and that is authorized by this state to serve a geographic  
4 area of the state;

5 (K) a nonprofit corporation organized under  
6 Chapter 67, Water Code, that provides a water supply or wastewater  
7 service, or both, and is exempt from ad valorem taxation under  
8 Section 11.30, Tax Code; ~~and~~

9 (L) a joint board created under Section 22.074,  
10 Transportation Code; and

11 (M) a local school health advisory council  
12 established under Section 28.004, Education Code.

13 SECTION 2. Section 552.003(1), Government Code, is amended  
14 to read as follows:

15 (1) "Governmental body":

16 (A) means:

17 (i) a board, commission, department,  
18 committee, institution, agency, or office that is within or is  
19 created by the executive or legislative branch of state government  
20 and that is directed by one or more elected or appointed members;

21 (ii) a county commissioners court in the  
22 state;

23 (iii) a municipal governing body in the  
24 state;

25 (iv) a deliberative body that has  
26 rulemaking or quasi-judicial power and that is classified as a  
27 department, agency, or political subdivision of a county or

- 1 municipality;
- 2 (v) a school district board of trustees;
- 3 (vi) a county board of school trustees;
- 4 (vii) a county board of education;
- 5 (viii) the governing board of a special
- 6 district;
- 7 (ix) the governing body of a nonprofit
- 8 corporation organized under Chapter 67, Water Code, that provides a
- 9 water supply or wastewater service, or both, and is exempt from ad
- 10 valorem taxation under Section 11.30, Tax Code;
- 11 (x) a local workforce development board
- 12 created under Section 2308.253;
- 13 (xi) a nonprofit corporation that is
- 14 eligible to receive funds under the federal community services
- 15 block grant program and that is authorized by this state to serve a
- 16 geographic area of the state;
- 17 (xii) a confinement facility operated under
- 18 a contract with any division of the Texas Department of Criminal
- 19 Justice;
- 20 (xiii) a civil commitment housing facility
- 21 owned, leased, or operated by a vendor under contract with the state
- 22 as provided by Chapter 841, Health and Safety Code;
- 23 (xiv) an entity that receives public funds
- 24 in the current or preceding state fiscal year to manage the daily
- 25 operations or restoration of the Alamo, or an entity that oversees
- 26 such an entity; ~~and~~
- 27 (xv) the part, section, or portion of an

1 organization, corporation, commission, committee, institution, or  
2 agency that spends or that is supported in whole or in part by  
3 public funds; and

4 (xvi) a local school health advisory  
5 council established under Section 28.004, Education Code; and

6 (B) does not include:

7 (i) the judiciary; or

8 (ii) an economic development entity whose  
9 mission or purpose is to develop and promote the economic growth of  
10 a state agency or political subdivision with which the entity  
11 contracts if:

12 (a) the entity does not receive \$1  
13 million or more in public funds from a single state agency or  
14 political subdivision in the current or preceding state fiscal  
15 year; or

16 (b) the entity:

17 (1) either:

18 (A) does not have the  
19 authority to make decisions or recommendations on behalf of a state  
20 agency or political subdivision regarding tax abatements or tax  
21 incentives; or

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

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

1   (3) to a reasonable degree,  
2 tracks the entity's receipt and expenditure of public funds  
3 separately from the entity's receipt and expenditure of private  
4 funds; and

5   (4) provides at least quarterly  
6 public reports to the state agency or political subdivision  
7 regarding work performed on behalf of the state agency or political  
8 subdivision.

9           SECTION 3. (a) The changes in law made by this Act apply  
10 only to a meeting held on or after the effective date of this Act. A  
11 meeting held before the effective date of this Act is governed by  
12 the law in effect immediately before the effective date of this Act,  
13 and the former law is continued in effect for that purpose.

14           (b) The changes in law made by this Act apply only to a  
15 request for public information received on or after the effective  
16 date of this Act. A request for public information received before  
17 the effective date of this Act is governed by the law in effect when  
18 the request was received, and the former law is continued in effect  
19 for that purpose.

20           SECTION 4. This Act takes effect September 1, 2021.