

1-1 By: Watson, et al. S.B. No. 408
 1-2 (In the Senate - Filed January 3, 2017; February 1, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 20, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; March 20, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
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 COMMITTEE SUBSTITUTE FOR S.B. No. 408 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the definition of a governmental body for the purposes
 1-22 of the public information law.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 552.002, Government Code, is amended by
 1-25 adding Subsection (d) to read as follows:

1-26 (d) Information maintained by a governmental body described
 1-27 by Section 552.003(1)(A)(xii) is public information and subject to
 1-28 this chapter only to the extent the information relates to:

1-29 (1) the receipt or expenditure of public funds or
 1-30 other public resources, as described by Section
 1-31 552.003(1)(A)(xii)(a);

1-32 (2) a relationship with one or more governmental
 1-33 bodies that involves public funds or other public resources and
 1-34 that indicates a common purpose or objective or that creates an
 1-35 agency-type relationship, as described by Section
 1-36 552.003(1)(A)(xii)(b); or

1-37 (3) the provision of services that are traditionally
 1-38 provided by a governmental body, as described by Section
 1-39 552.003(1)(A)(xii)(c).

1-40 SECTION 2. Section 552.003, Government Code, is amended by
 1-41 amending Subdivision (1) and adding Subdivision (5-a) to read as
 1-42 follows:

1-43 (1) "Governmental body":

1-44 (A) means:

1-45 (i) a board, commission, department,
 1-46 committee, institution, agency, or office that is within or is
 1-47 created by the executive or legislative branch of state government
 1-48 and that is directed by one or more elected or appointed members;

1-49 (ii) a county commissioners court in the
 1-50 state;

1-51 (iii) a municipal governing body in the
 1-52 state;

1-53 (iv) a deliberative body that has
 1-54 rulemaking or quasi-judicial power and that is classified as a
 1-55 department, agency, or political subdivision of a county or
 1-56 municipality;

1-57 (v) a school district board of trustees;

1-58 (vi) a county board of school trustees;

1-59 (vii) a county board of education;

1-60 (viii) the governing board of a special

2-1 district;

2-2 (ix) the governing body of a nonprofit

2-3 corporation organized under Chapter 67, Water Code, that provides a

2-4 water supply or wastewater service, or both, and is exempt from ad

2-5 valorem taxation under Section 11.30, Tax Code;

2-6 (x) a local workforce development board

2-7 created under Section 2308.253;

2-8 (xi) a nonprofit corporation that is

2-9 eligible to receive funds under the federal community services

2-10 block grant program and that is authorized by this state to serve a

2-11 geographic area of the state; and

2-12 (xii) the part, section, or portion of an

2-13 organization, corporation, commission, committee, institution, or

2-14 agency that:

2-15 (a) receives or spends public funds or

2-16 other public resources unless the receipt or expenditure of the

2-17 funds or other resources imposes a specific and definite obligation

2-18 on the entity to provide a measurable amount of goods, services, or

2-19 insurance in exchange for the funds or other resources as would be

2-20 expected in an arms-length transaction or quid pro quo agreement

2-21 for goods, services, or insurance between a vendor and purchaser;

2-22 (b) is involved in a relationship with

2-23 one or more governmental bodies that involves public funds or other

2-24 public resources and that:

2-25 (1) indicates a common purpose

2-26 or objective; or

2-27 (2) creates an agency-type

2-28 relationship between the entity and one or more governmental

2-29 bodies; or

2-30 (c) provides services traditionally

2-31 provided by a governmental body in exchange for [spends or that is

2-32 supported in whole or in part by] public funds or other public

2-33 resources; and

2-34 (B) does not include the judiciary.

2-35 (5-a) "Public resources" means in-kind benefits that

2-36 are not generally available to the public.

2-37 SECTION 3. The change in law made by this Act applies only

2-38 to a request for public information received on or after the

2-39 effective date of this Act. A request for public information

2-40 received before the effective date of this Act is governed by the

2-41 law in effect when the request was received, and the former law is

2-42 continued in effect for that purpose.

2-43 SECTION 4. This Act takes effect September 1, 2017.

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