

By: Paxton, Bailey, Flynn, Eiland, et al.

H.B. No. 1517

Substitute the following for H.B. No. 1517:

By: Swinford

C.S.H.B. No. 1517

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

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

SECTION 1. Section 42.006(c), Education Code, is amended to read as follows:

(c) Annually, the commissioner shall review the Public Education Information Management System and shall repeal or amend rules that require school districts to provide information through the Public Education Information Management System that is not necessary. In reviewing and revising the Public Education Information Management System, the commissioner shall develop rules to ensure that the system:

(1) provides useful, accurate, and timely information on student demographics and academic performance, personnel, and school district finances;

(2) contains only the data necessary for the legislature and the agency to perform their legally authorized functions in overseeing the public education system; ~~and~~

(3) does not contain any information related to instructional methods, except as required by federal law; and

(4) provides the information required under Section 140.005(c), Local Government Code, regarding school district expenditures for lobbying or legislative communication.

SECTION 2. Section 305.002, Government Code, is amended by adding Subdivision (15) to read as follows:

(15) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to represent its members before the legislative, administrative, or judicial branches of the state or federal government.

SECTION 3. Section 305.005, Government Code, is amended by amending Subsection (f) and adding Subsection (g-1) to read as follows:

(f) The registration must be written and verified and must contain:

(1) the registrant's full name and address;

(2) the registrant's normal business, business phone number, and business address;

(3) the full name and address of each person:

(A) who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; and

(B) on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action;

(4) if applicable, an indication that the person

1 identified under Subdivision (3) is:

2 (A) a local governmental entity; or

3 (B) an entity that reimburses, retains, or
4 employs the registrant on behalf of a local governmental entity;

5 (5) the subject matter of the legislation or of the
6 administrative action that is the subject of the registrant's
7 direct communication with a member of the legislative or executive
8 branch and, if applicable, the docket number or other
9 administrative designation of the administrative action;

10 (6) [~~(5)~~] for each person employed or retained by the
11 registrant for the purpose of assisting in direct communication
12 with a member of the legislative or executive branch to influence
13 legislation or administrative action:

14 (A) the full name, business address, and
15 occupation of the person; and

16 (B) the subject matter of the legislation or of
17 the administrative action to which the person's activities
18 reportable under this section were related and, if applicable, the
19 docket number or other administrative designation of the
20 administrative action; and

21 (7) [~~(6)~~] the amount of compensation or reimbursement
22 paid by each person who reimburses, retains, or employs the
23 registrant for the purpose of communicating directly with a member
24 of the legislative or executive branch or on whose behalf the
25 registrant communicates directly with a member of the legislative
26 or executive branch.

27 (g-1) Notwithstanding Subsection (g), the amount of

1 compensation or reimbursement a registrant receives from a local
2 governmental entity that reimburses, retains, or employs the
3 registrant or on whose behalf another entity reimburses, retains,
4 or employs the registrant must be reported under Subsection (f)(7)
5 as an exact amount.

6 SECTION 4. Subchapter A, Chapter 305, Government Code, is
7 amended by adding Section 305.0052 to read as follows:

8 Sec. 305.0052. SORTING OF LOBBYIST REGISTRATION BY
9 INFORMATION FIELD. The commission's Internet website must permit a
10 person viewing a listing of registrations filed under Section
11 305.005 to sort the list by any field of information required under
12 that section.

13 SECTION 5. Section 103.001, Local Government Code, is
14 amended by adding Subsection (c) to read as follows:

15 (c) A municipality's annual financial statement must
16 include, in relation to the municipality, the information required
17 under Section 140.005(c) for local governmental entities subject to
18 that section.

19 SECTION 6. Subchapter B, Chapter 114, Local Government
20 Code, is amended by adding Section 114.0251 to read as follows:

21 Sec. 114.0251. ANNUAL REPORT OF EXPENDITURES FOR LOBBYING
22 AND LEGISLATIVE COMMUNICATIONS. (a) The county auditor's annual
23 report prepared under Section 114.025 must include, in relation to
24 the county, the information required under Section 140.005(c) for
25 local governmental entities subject to that section.

26 (b) If a county does not have a county auditor, the county
27 treasurer shall report annually to the commissioners court of the

1 county the information described by Subsection (a).

2 SECTION 7. Section 140.005, Local Government Code, is
3 amended to read as follows:

4 Sec. 140.005. ANNUAL FINANCIAL STATEMENT OF SCHOOL, ROAD,
5 OR OTHER DISTRICT. (a) In this section:

6 (1) "Legislation" and "member of the legislative
7 branch" have the meanings assigned by Section 305.002, Government
8 Code.

9 (2) "Legislative communication" means face-to-face
10 communication between an officer or employee of a local
11 governmental entity and a member of the legislative branch that is
12 initiated by the officer or employee of the local governmental
13 entity and that regards legislation.

14 (3) "Local governmental entity" means ~~[The governing~~
15 ~~body of]~~ a school district, open-enrollment charter school, junior
16 college district, or a district or authority organized under
17 Article III, Section 52, or Article XVI, Section 59, of the Texas
18 Constitution.

19 (b) The governing body of a local governmental entity~~[7]~~
20 shall prepare an annual financial statement showing for each fund
21 subject to the authority of the governing body during the fiscal
22 year:

23 (1) the total receipts of the fund, itemized by source
24 of revenue, including taxes, assessments, service charges, grants
25 of state money, gifts, or other general sources from which funds are
26 derived;

27 (2) the total disbursements of the fund, itemized by

1 the nature of the expenditure; and

2 (3) the balance in the fund at the close of the fiscal
3 year.

4 (c) The financial statement must clearly and concisely show
5 the total expenditures for lobbying or legislative communication,
6 including:

7 (1) the total amount paid to persons required to
8 register under Chapter 305, Government Code, because of activities
9 on behalf of the local governmental entity;

10 (2) the total amount spent for legislative
11 communications made by officers and employees of the local
12 governmental entity; and

13 (3) the total amount spent for membership dues or fees
14 paid to organizations that employ or retain a person required to
15 register under Chapter 305, Government Code, on behalf of the local
16 governmental entity and similarly situated entities.

17 (d) For purposes of Subsection (c)(2), amounts spent for
18 legislative communications include only amounts that would not have
19 been spent if the legislative communications had not been made.

20 SECTION 8. (a) Section 42.006(c), Education Code, as
21 amended by this Act, Section 103.001(c), Local Government Code, as
22 added by this Act, Section 114.0251, Local Government Code, as
23 added by this Act, and Section 140.005, Local Government Code, as
24 amended by this Act, apply only to the reporting by a local
25 governmental entity of an expenditure for lobbying or legislative
26 communication that is made during a fiscal year of the entity that
27 begins on or after the effective date of this Act.

1 (b) Section 305.005, Government Code, as amended by this
2 Act, applies only to a lobbyist registration or renewal filed on or
3 after December 1, 2007.

4 SECTION 9. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.