

By: Paxton

H.B. No. 1517

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of expenditures for 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 legislative communication.

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

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

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

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

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

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

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

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

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

27 (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, such as a chamber of commerce or
4 municipal development corporation, that reimburses, retains, or
5 employs the registrant for the benefit of a local governmental
6 entity;

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

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

16 (A) the full name, business address, and
17 occupation of the person; and

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

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

1 or executive branch.

2 (f-1) For each local governmental entity that reimburses,
3 retains, or employs the registrant or for whose benefit another
4 entity reimburses, retains, or employs the registrant, the subject
5 matter of the legislation or of the administrative action under
6 Subsection (f)(5) must, in accordance with commission rule, provide
7 a detailed listing of the issues for which the registrant is
8 reimbursed, retained, or employed.

9 (g-1) Notwithstanding Subsection (g), the amount of
10 compensation or reimbursement a registrant receives from a local
11 governmental entity that reimburses, retains, or employs the
12 registrant or for whose benefit another entity reimburses, retains,
13 or employs the registrant must be reported as an exact amount.

14 SECTION 4. Section 103.001, Local Government Code, is
15 amended by adding Subsection (c) to read as follows:

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

20 SECTION 5. Subchapter B, Chapter 114, Local Government
21 Code, is amended by adding Section 114.0251 to read as follows:

22 Sec. 114.0251. ANNUAL REPORT OF EXPENDITURES FOR
23 LEGISLATIVE COMMUNICATIONS. The county auditor's annual report
24 prepared under Section 114.025 must include, in relation to the
25 county, the information required under Section 140.005(c) for local
26 governmental entities subject to that section. If a county does not
27 have a county auditor, the county treasurer shall report annually

1 to the commissioners court of the county the information described
2 by Subsection (a).

3 SECTION 6. Section 140.005, Local Government Code, is
4 amended to read as follows:

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

7 (1) "Communicates directly with," "legislation," and
8 "member of the legislative branch" have the meanings assigned by
9 Section 305.002, Government Code.

10 (2) "Legislative communication" means communicating
11 directly with a member of the legislative branch regarding
12 legislation, regardless of whether the communication is intended to
13 influence 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
5 show:

6 (1) each expenditure for legislative communication,
7 including:

8 (A) amounts paid to persons required to register
9 under Chapter 305, Government Code, because of activities on behalf
10 of the local governmental entity;

11 (B) amounts spent in connection with legislative
12 communications made by officers and employees of the local
13 governmental entity; and

14 (C) membership dues or fees paid to organizations
15 that engage in legislative communication on behalf of the local
16 governmental entity and similarly situated entities; and

17 (2) for each expenditure described by Subdivision (1),
18 a detailed description of the issue to which the expenditure
19 relates and the local governmental entity's position on that issue.

20 SECTION 7. (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 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) Not later than November 15, 2007, the Texas Ethics
2 Commission shall adopt rules for the inclusion in a lobbyist
3 registration of a detailed listing of the issues for which a
4 registrant is reimbursed, retained, or employed by or for the
5 benefit of a local governmental entity as provided by Section
6 305.005(f-1), Government Code, as added by this Act.

7 (c) Section 305.005, Government Code, as amended by this
8 Act, applies only to a lobbyist registration or renewal filed on or
9 after December 1, 2007.

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