

AN ACT

relating to the availability of information about state expenditures and rules, including the creation of a state database containing information on state expenditures, and to certain comptroller reports, and to certain amounts received by institutions of higher education.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.024 to read as follows:

Sec. 403.024. SEARCHABLE STATE EXPENDITURE DATABASE. (a) In this section, "state agency" has the meaning assigned by Section 403.013.

(b) The comptroller shall establish and post on the Internet a database of state expenditures, including contracts and grants, that is electronically searchable by the public except as provided by Subsection (d). The database must include:

(1) the amount, date, payor, and payee of expenditures; and

(2) a listing of state expenditures by:

(A) object of expense with links to the warrant or check register level; and

(B) to the extent maintained by state agency accounting systems in a reportable format, class and item levels.

(c) To the extent possible, the comptroller shall present

1 information in the database established under this section in a
2 manner that is searchable and intuitive to users. The comptroller
3 shall enhance and organize the presentation of the information
4 through the use of graphical representations, such as pie charts,
5 as the comptroller considers appropriate. At a minimum, the
6 database must allow users to:

7 (1) search and aggregate state funding by any element
8 of the information;

9 (2) ascertain through a single search the total amount
10 of state funding awarded to a person by a state agency; and

11 (3) download information yielded by a search of the
12 database.

13 (d) The comptroller may not allow public access under this
14 section to a payee's address, except that the comptroller may allow
15 public access under this section to information identifying the
16 county in which the payee is located. The comptroller may not allow
17 public access under this section to information that is identified
18 by a state agency as excepted from required disclosure under
19 Chapter 552 or as confidential. It is an exception to the
20 application of Section 552.352(a) that the comptroller or an
21 officer or employee of the comptroller's office posted information
22 under this section in reliance on a determination made by a state
23 agency about the confidentiality of information relating to the
24 agency's expenditures. The comptroller or an officer or employee
25 of the comptroller's office is immune from any civil liability for
26 posting confidential information under this section if the
27 comptroller, officer, or employee posted the information in

1 reliance on a determination made by a state agency about the
2 confidentiality of information relating to the agency's
3 expenditures.

4 (e) To the extent any information required to be in the
5 database is already being collected or maintained by a state
6 agency, the state agency shall provide that information to the
7 comptroller for inclusion in the database.

8 (f) The comptroller may not charge a fee to the public to
9 access the database.

10 (g) Except as provided by Subsection (h), a state agency is
11 required to cooperate with and provide information to the
12 comptroller as necessary to implement and administer this section.

13 (h) This section does not require a state agency to record
14 information or expend resources for the purpose of computer
15 programming or other additional actions necessary to make
16 information reportable under this section.

17 (i) The Department of Information Resources, after
18 consultation with the comptroller, shall prominently include a link
19 to the database established under this section on the public home
20 page of the TexasOnline Project described by Section 2054.252.

21 (j) The comptroller may establish procedures and adopt
22 rules to implement this section.

23 SECTION 2. Sections 2006.001(2) and (3), Government Code,
24 are amended to read as follows:

25 (2) "Small business" means a legal entity, including a
26 corporation, partnership, or sole proprietorship, that:

27 (A) is formed for the purpose of making a profit;

1 (B) is independently owned and operated; and

2 (C) has fewer than 100 employees or less than \$6
3 ~~[\$1]~~ million in annual gross receipts.

4 (3) "State agency" means a department, board, bureau,
5 commission, division, office, council, or other agency of the state
6 and includes an officer who is authorized by law to determine
7 contested cases.

8 SECTION 3. Section 2006.002, Government Code, is amended by
9 amending Subsections (c) and (d) and adding Subsections (c-1) and
10 (g) to read as follows:

11 (c) Before adopting a rule that may ~~would~~ have an adverse
12 economic effect on small businesses, a state agency shall prepare:

13 (1) an economic impact statement that estimates the
14 number of small businesses subject to the proposed rule, projects
15 the economic impact of the rule on small businesses, and describes
16 alternative methods of achieving the purpose of the proposed rule;
17 and

18 (2) a regulatory flexibility analysis that includes
19 the agency's consideration of alternative methods of achieving the
20 purpose of the proposed rule.

21 (c-1) The analysis under Subsection (c) shall consider, if
22 consistent with the health, safety, and environmental and economic
23 welfare of the state, using regulatory methods that will accomplish
24 the objectives of applicable rules while minimizing adverse impacts
25 on small businesses. The state agency must include in the analysis
26 several proposed methods of reducing the adverse impact of a
27 proposed rule on a small business ~~[a statement of the effect of the~~

1 ~~rule on small businesses. The statement must include:~~

2 ~~[(1) an analysis of the cost of compliance with the~~
3 ~~rule for small businesses; and~~

4 ~~[(2) a comparison of the cost of compliance for small~~
5 ~~businesses with the cost of compliance for the largest businesses~~
6 ~~affected by the rule, using at least one of the following standards:~~

7 ~~[(A) cost for each employee;~~

8 ~~[(B) cost for each hour of labor; or~~

9 ~~[(C) cost for each \$100 of sales].~~

10 (d) The agency shall include the economic impact statement
11 and regulatory flexibility analysis [~~statement of effect~~] as part
12 of the notice of the proposed rule that the agency files with the
13 secretary of state for publication in the Texas Register and shall
14 provide copies to the standing committee of each house of the
15 legislature that is charged with reviewing the proposed rule.

16 (g) The attorney general, in consultation with the
17 comptroller, shall prepare guidelines to assist a state agency:

18 (1) in determining a proposed rule's potential adverse
19 economic effects on small businesses; and

20 (2) in identifying and evaluating alternative methods
21 of achieving the purpose of a proposed rule.

22 SECTION 4. Section 2054.126, Government Code, is amended by
23 adding Subsection (f) to read as follows:

24 (f) Each state agency that maintains a generally accessible
25 Internet site or for which a generally accessible Internet site is
26 maintained shall include a link on the agency's Internet site to the
27 state expenditure database established under Section 403.024. In

1 this subsection, "state agency" has the meaning assigned by Section
2 403.013.

3 SECTION 5. Section 2177.052, Government Code, is
4 transferred to Chapter 322, Government Code, redesignated as
5 Section 322.020, and amended to read as follows:

6 Sec. 322.020 [~~2177.052~~]. MAJOR CONTRACTS DATABASE. (a) In
7 this section, "major contract" means:

8 (1) a contract for which notice is required under one
9 of the following sections [~~that has a value that is expected to be~~
10 ~~at least \$5 million computed as the~~]:

11 (A) Section 2054.008 [~~(1) initial value of the~~
12 ~~contract~~];

13 (B) Section 2166.2551;

14 (C) Section 2254.006; or

15 (D) Section 2254.0301; or

16 (2) a contract, including an amendment, modification,
17 renewal, or extension:

18 (A) for which notice is not required under a
19 section listed in Subdivision (1);

20 (B) that is not a purchase order, an interagency
21 contract, or a contract paid only with funds not appropriated by the
22 General Appropriations Act; and

23 (C) with a value that exceeds \$50,000 [~~total~~
24 ~~value of the contract after all potential term extensions~~].

25 (b) Each state agency shall provide the Legislative Budget
26 Board [~~commission~~] copies of the following documents:

27 (1) each major contract entered into by the agency;

1 and

2 (2) each request for proposal, invitation to bid, or
3 comparable solicitation related to the major contract.

4 (c) The Legislative Budget Board [~~commission~~] shall post on
5 the Internet [~~include in the information posted on the electronic~~
6 ~~procurement marketplace~~]:

7 (1) each major contract of a state agency [~~, including~~
8 ~~the commission~~]; and

9 (2) each request for proposal, invitation to bid, or
10 comparable solicitation related to the major contract.

11 [~~The commission shall allow Texas governmental~~
12 ~~entities, including legislative entities, access to the~~
13 ~~information posted under this section.~~

14 [~~(e)~~] The Legislative Budget Board [~~commission~~] shall allow
15 public access to the information posted under this section, except
16 for information that is not subject to disclosure under Chapter
17 552. Information that is not subject to disclosure under Chapter
18 552 must be referenced in an appendix that generally describes the
19 information without disclosing the specific content of the
20 information.

21 (e) [~~(f)~~] The Legislative Budget Board [~~commission~~] shall
22 make the information searchable by contract value, state agency,
23 and vendor. The Legislative Budget Board [~~commission~~] may make the
24 information searchable by other subjects as appropriate.

25 (f) In this section, "state agency" has the meaning assigned
26 by Section 2054.003, except that the term does not include a
27 university system or institution of higher education, the Health

1 and Human Services Commission, an agency identified in Section
2 531.001(4), or the Texas Department of Transportation.

3 SECTION 6. Subchapter A, Chapter 313, Tax Code, is amended
4 by adding Section 313.008 to read as follows:

5 Sec. 313.008. REPORT ON COMPLIANCE WITH AGREEMENTS. (a)
6 Before the beginning of each regular session of the legislature,
7 the comptroller shall submit to the lieutenant governor, the
8 speaker of the house of representatives, and each member of the
9 legislature a report assessing the progress of each agreement
10 entered into under this chapter. The report must be based on data
11 certified to the comptroller by each recipient of a limitation on
12 appraised value under this chapter and state for each agreement:

13 (1) the number of qualifying jobs each recipient of a
14 limitation on appraised value committed to create;

15 (2) the number of qualifying jobs each recipient
16 created;

17 (3) the median wage of the new jobs each recipient
18 created;

19 (4) the amount of the qualified investment each
20 recipient committed to expend or allocate per project;

21 (5) the amount of the qualified investment each
22 recipient expended or allocated per project;

23 (6) the market value of the qualified property of each
24 recipient as determined by the applicable chief appraiser;

25 (7) the limitation on appraised value for the
26 qualified property of each recipient;

27 (8) the dollar amount of the taxes that would have been

1 imposed on the market value of the qualified property if the
2 property had not received a limitation on appraised value;

3 (9) the dollar amount of the taxes imposed on the
4 qualified property;

5 (10) the number of new jobs created by each recipient
6 in each sector of the North American Industry Classification
7 System; and

8 (11) of the number of new jobs each recipient created,
9 the number of jobs created that provide health benefits for
10 employees.

11 (b) The report may not include information that is made
12 confidential by law.

13 (c) The comptroller may require a recipient to submit, on a
14 form the comptroller provides, information required to complete the
15 report.

16 SECTION 7. Subchapter Z, Chapter 51, Education Code, is
17 amended by adding Section 51.953 to read as follows:

18 Sec. 51.953. CERTAIN REVENUE RECEIVED FROM STUDENT HEALTH
19 CENTER SERVICES. (a) In this section:

20 (1) "Health benefit plan" means any health benefit
21 plan regulated under the Insurance Code, including:

22 (A) an individual or group health insurance
23 policy; or

24 (B) an evidence of coverage issued by a health
25 maintenance organization.

26 (2) "Institution of higher education" has the meaning
27 assigned by Section 61.003.

1 (b) Amounts received by an institution of higher education
2 from a health benefit plan issuer as a result of a claim filed with
3 the issuer by or on behalf of the institution's student health
4 center are institutional funds under Section 51.009 and may be used
5 only for the construction, improvement, operation, or maintenance
6 of the student health center or to increase or enhance the services
7 offered by the student health center. It is the intent of the
8 legislature that those amounts be in addition to other amounts of
9 money allocated to the student health center and those other
10 amounts not be reduced.

11 SECTION 8. Sections 403.024 and 2054.126(f), Government
12 Code, as added by this Act, apply only to expenditures made on or
13 after the effective date of this Act.

14 SECTION 9. With respect to Section 322.020(c), Government
15 Code, as amended by this Act, the change in law made by this Act
16 applies only in relation to a major contract:

17 (1) entered into on or after the effective date of this
18 Act, for purposes of complying with Section 322.020(c)(1),
19 Government Code; and

20 (2) for which a request for proposal, invitation to
21 bid, or comparable solicitation is made on or after the effective
22 date of this Act, for purposes of complying with Section
23 322.020(c)(2), Government Code.

24 SECTION 10. Section 2006.002, Government Code, as amended
25 by this Act, applies only to a rule that is adopted on or after
26 January 1, 2008. A rule adopted before that date is governed by the
27 law in effect when the rule was adopted, and the former law is

1 continued in effect for that purpose.

2 SECTION 11. Not later than October 1, 2007, the comptroller
3 shall establish the database as required by Section 403.024,
4 Government Code, as added by this Act.

5 SECTION 12. This Act takes effect October 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3430 was passed by the House on April 30, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3430 on May 25, 2007, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3430 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor