

BILL ANALYSIS

C.S.H.B. 2743
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With increasing uncertainty in the economy, taxpayers have the right to know how much their government is paying for services without going through complicated requests under public information laws.

Transparency legislation, such as enacted by H.B. 3430, 80th Legislature, Regular Session, 2007, has improved communication among elected officials, state agencies, and the general public and provided cost savings. The office of the comptroller of public accounts developed an award-winning website as a result of H.B. 3430 that allows the public to easily view and search state expenditures.

C.S.H.B. 2743 requires a county government, in a county with a population of 250,000 or more, to post an electronic registry of county expenditures on the county's Internet site.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2743 amends the Local Government Code to require a county treasurer of a county with a population of 250,000 or more to maintain the transaction register for the county's checking account on the county's Internet website. The bill requires a county to post the electronic checking account transaction register at all times on the county's Internet website for viewing and downloading by interested persons. The bill prohibits a county from charging a fee to a person who views or downloads the electronic checking account transaction register.

C.S.H.B. 2743 requires the register to be in a searchable electronic spreadsheet format, such as a portable document format (PDF) or similar file type in which the transaction register is readily available. The bill requires the register to include for each check written from a county checking account the transaction amount, the name of the payee, and a statement of the purpose of the expenditure for which the check was written. The bill requires, beginning September 1, 2010, a county's electronic checking account transaction register to contain the transaction amount and name of the payee for each check dated on or after August 1, 2010. The bill requires, beginning September 1, 2011, a county's electronic checking account transaction register to contain the transaction amount, name of payee, and a statement of the purpose of the expenditure for which the check was written for each check dated on or after August 1, 2011. The bill makes these phase-in provisions expire on October 1, 2011.

C.S.H.B. 2743 prohibits a county from including in its electronic checking account transaction register a check issued to a county employee in payment of salary, wages, or an employment stipend, or a workers' compensation income benefit, medical benefit, death benefit, or burial benefit that is issued by a county operating as a self-insurer.

C.S.H.B. 2743 requires a county to update the electronic checking account transaction register at least once each month, not later than the 30th day after the closing date of the most recent monthly statement for the checking account, and to maintain each transaction or listing in the register on the county's Internet website until the first anniversary of the date of the transaction or listing. The bill authorizes a county treasurer to consult with the comptroller of public accounts in developing an electronic checking account transaction register. The bill makes its provisions inapplicable to a county that maintains a check registry or a similar comprehensive monthly financial report that was posted on the county's Internet website for public viewing and downloading on or before August 1, 2010.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2743 differs from the original by making its provisions applicable to a county with a population of 250,000 or more, rather than 50,000 or more. The substitute requires the county treasurer, rather than the commissioners court as in the original, to maintain the transaction register for the county's checking account in a searchable electronic spreadsheet format. The substitute requires the register to contain certain information for each transaction beginning September 1, 2010 and September 1, 2011, respectively, whereas the original requires the register to contain such information beginning September 1, 2009, and September 1, 2010, respectively. The substitute makes these phase-in provisions expire October 1, 2011, rather than October 1, 2010, as in the original. The substitute removes a provision in the original requiring that the posting of the electronic register on the county's Internet website be prominent. The substitute adds a provision not in the original prohibiting a county from charging a fee to view or download the electronic register. The substitute removes a provision in the original requiring a county to share data from the electronic register with any interested person who requests it. The substitute requires the county to maintain each transaction or listing in the electronic register on the county's Internet website until the first anniversary of the date of the transaction or listing, whereas the original requires this information to be maintained on the website until the second anniversary. The substitute adds a provision not in the original making its provisions inapplicable to a county that maintains a check registry or similar comprehensive monthly financial report that was posted on the county's Internet website for public viewing and downloading on or before August 1, 2010.