

By: Paxton

H.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

relating to public access to financial and tax rate information of political subdivisions.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0241 to read as follows:

Sec. 403.0241. INTERNET PORTAL TO LOCAL GOVERNMENT FINANCES. (a) In this section, "taxing unit" and "tax year" have the meanings assigned by Section 1.04, Tax Code.

(b) The comptroller shall establish an Internet portal to allow a member of the public to access without charge financial and tax information for political subdivisions of this state. The portal must include a search feature that retrieves the information specified by this section in response to a user's entry of the address of a location in this state.

(c) The Internet portal must be accessible by members of the public and must be designed to retrieve, with respect to any address of a location in this state that a user enters into the search feature, the following information for each political subdivision within the boundaries or extraterritorial jurisdiction of which the address is located, organized by political subdivision:

- (1) the name of the political subdivision; and
- (2) the political subdivision's Internet website address or, if the political subdivision does not operate an

1 Internet website, contact information to enable a member of the
2 public to obtain from the political subdivision financial and tax
3 information.

4 (d) Subject to Subsection (e), for each political
5 subdivision identified as required by Subsection (c), the Internet
6 portal must be designed to enable the user to access the following
7 financial information on the political subdivision's Internet
8 website:

9 (1) the budget for the political subdivision's current
10 fiscal year;

11 (2) each proposed budget for the following fiscal year
12 that currently is under consideration by the political
13 subdivision's governing body;

14 (3) the most recent annual financial report published
15 by the political subdivision's governing body;

16 (4) the most recent annual financial exhibit as
17 prescribed by Section 102.012 or 114.022, Local Government Code, if
18 applicable;

19 (5) the most recent monthly financial report as
20 prescribed by Section 102.013 or 114.023, Local Government Code, if
21 applicable;

22 (6) each other current financial report, statement, or
23 exhibit prepared by the political subdivision; and

24 (7) each current check registry published by the
25 political subdivision's governing body.

26 (e) If information specified by Subsection (d) is not
27 available on an Internet website operated by the political

1 subdivision, or if the political subdivision does not operate an
2 Internet website, the Internet portal must clearly indicate that
3 the information is not available through the portal.

4 (f) The Internet portal must be designed to enable the user
5 to access the following ad valorem taxation information for each
6 location in this state the address of which a user enters into the
7 search feature of the portal:

8 (1) the Internet home page for the appraisal district
9 established in the county in which the address is located; and

10 (2) for the most recent tax year for which a tax rate
11 has been adopted and for the preceding tax year, a table of the
12 applicable ad valorem tax rates of each political subdivision
13 retrieved by the portal's search feature as required by Subsection
14 (c) that is a taxing unit.

15 (g) The table of the applicable ad valorem tax rates
16 required by Subsection (f)(2) must show in rows under columns
17 respectively titled "Maintenance and Operations Tax Rate,"
18 "Effective Tax Rate," "Rollback Tax Rate," "Interest and Sinking
19 Fund Tax Rate," and "Total Tax Rate" the following ad valorem tax
20 rates of each applicable taxing unit for the tax years specified by
21 that subsection, expressed as amounts per \$100 valuation of taxable
22 property:

23 (1) the component of the taxing unit's adopted tax rate
24 described by Section 26.05(a)(2), Tax Code;

25 (2) the effective tax rate of the taxing unit
26 calculated under Chapter 26, Tax Code;

27 (3) the rollback tax rate of the taxing unit

1 calculated under Chapter 26, Tax Code;

2 (4) the component of the taxing unit's adopted tax rate
3 described by Section 26.05(a)(1), Tax Code; and

4 (5) the taxing unit's tax rate adopted under Section
5 26.05, Tax Code.

6 (h) Not later than October 31 of each year or the 30th day
7 after the date the taxing unit adopts a tax rate for that tax year,
8 whichever is later, the assessor for each taxing unit shall provide
9 to the comptroller the ad valorem tax rates specified by Subsection
10 (g).

11 (i) If the ad valorem tax rate adopted for the current tax
12 year by a taxing unit other than a school district is reduced by an
13 election under Section 26.07, Tax Code, the assessor for the unit,
14 not later than the 30th day after the date of the election, shall
15 notify the comptroller of the rate to which the unit's tax rate has
16 been reduced.

17 (j) If the ad valorem tax rate adopted for the current tax
18 year by a school district is not approved in an election under
19 Section 26.08, Tax Code, the assessor for the district, not later
20 than the 30th day after the date the district adopts a tax rate
21 following the election, shall notify the comptroller of the
22 subsequently adopted tax rate.

23 (k) The Department of Information Resources, after
24 consultation with the comptroller, shall prominently include a link
25 to the Internet portal established under this section on the public
26 home page of the TexasOnline Project described by Section 2054.252.

27 (l) The comptroller shall consult with the appropriate

1 officer of, or other person representing, each political
2 subdivision to obtain the information necessary to operate the
3 Internet portal.

4 (m) The comptroller may establish procedures and adopt
5 rules to implement this section, including procedures for the
6 electronic filing with the comptroller of information necessary to
7 operate the Internet portal.

8 (n) Nothing in this section may be construed as requiring a
9 political subdivision to post on an Internet website operated by
10 the political subdivision any financial report, statement,
11 exhibit, or other information.

12 SECTION 2. Chapter 102, Local Government Code, is amended
13 by adding Sections 102.012 and 102.013 to read as follows:

14 Sec. 102.012. MUNICIPAL ANNUAL FINANCIAL EXHIBIT FOR
15 MUNICIPALITY WITH POPULATION OF 100,000 OR MORE. (a) This
16 section applies only to a municipality with a population of 100,000
17 or more.

18 (b) At the first meeting during a fiscal year held after the
19 budget for that fiscal year is adopted, the budget officer shall
20 publish an exhibit that shows the aggregate amount paid from each
21 fund for the four preceding quarters and the balance to the debit or
22 credit of each fund. The exhibit must also list:

- 23 (1) the amount of the municipal indebtedness;
24 (2) the respective dates of accrual of that
25 indebtedness;
26 (3) to whom the debt is owed;
27 (4) the reason for the debt; and

1 (5) the amount to the debit or credit of each officer
2 or other person with whom an account is kept in the municipal
3 finance records.

4 (c) The budget officer shall publish the exhibit once in a
5 newspaper that is published weekly or more frequently in the
6 municipality. The governing body of the municipality shall order
7 the payment of the publication costs from the general fund of the
8 municipality. If no newspaper is published in the municipality,
9 the budget officer shall post a copy of the exhibit in the central
10 administration office for the municipality.

11 (d) If the municipality maintains an Internet website, the
12 budget officer shall take action to ensure that the exhibit is
13 posted on the website. The exhibit must remain accessible from the
14 website until the first anniversary of the date the exhibit was
15 posted.

16 Sec. 102.013. MUNICIPAL BUDGET OFFICER'S MONTHLY REPORT FOR
17 MUNICIPALITY WITH POPULATION OF 100,000 OR MORE. (a) This section
18 applies only to a municipality with a population of 100,000 or more.

19 (b) The budget officer shall report to the governing body of
20 the municipality at least monthly on the financial condition of the
21 municipality. The budget officer shall prescribe the form of the
22 report.

23 (c) In addition to information considered necessary by the
24 budget officer or required by the municipality, the report must
25 contain:

26 (1) all of the facts of interest related to the
27 financial condition of the municipality;

1 (2) a consolidated balance sheet;

2 (3) a complete statement of the balances on hand at the
3 beginning and end of the month;

4 (4) a statement of the aggregate receipts and
5 disbursements of each fund;

6 (5) a statement of transfers to and from each fund;

7 (6) a statement of the bond and warrant indebtedness
8 with corresponding rates of interest; and

9 (7) a summarized budget statement that shows:

10 (A) the expenses paid from the budget for each
11 budgeted officer, department, or institution during that month and
12 for the period of the fiscal year inclusive of the month for which
13 the report is made;

14 (B) the encumbrances against the budgets; and

15 (C) the amounts available for further
16 expenditures.

17 (d) The budget officer shall publish a condensed copy of the
18 report showing the condition of funds and budgets and a statement of
19 the officer's recommendations. The publication must be made once in
20 a daily newspaper published in the municipality.

21 (e) If the municipality maintains an Internet website, the
22 budget officer shall take action to ensure that each monthly report
23 is posted on the website. A report posted under this subsection
24 must remain accessible from the website until the first anniversary
25 of the date the report was posted.

26 SECTION 3. The heading to Section 103.003, Local Government
27 Code, is amended to read as follows:

1 Sec. 103.003. FILING AND POSTING; PUBLIC RECORD.

2 SECTION 4. Section 103.003, Local Government Code, is
3 amended by adding Subsection (c) to read as follows:

4 (c) If the municipality maintains an Internet website, the
5 governing body of the municipality shall take action to ensure that
6 the financial statement is posted on the website. The financial
7 statement must remain accessible from the website until the first
8 anniversary of the date the statement was posted.

9 SECTION 5. Section 114.022, Local Government Code, is
10 amended by adding Subsection (c) to read as follows:

11 (c) If the county maintains an Internet website, the county
12 clerk shall take action to ensure that the exhibit is posted on the
13 website. The exhibit must remain accessible from the website until
14 the first anniversary of the date the exhibit was posted.

15 SECTION 6. Section 114.023, Local Government Code, is
16 amended by adding Subsection (d) to read as follows:

17 (d) If the county maintains an Internet website, the county
18 auditor shall take action to ensure that each report to the
19 commissioners court under Subsection (a) is posted on the website.
20 A report posted under this subsection must remain accessible from
21 the website until the first anniversary of the date the report was
22 posted.

23 SECTION 7. Section 5.09(a), Tax Code, is amended to read as
24 follows:

25 (a) The comptroller shall publish an annual report of the
26 operations of the appraisal districts. The report shall include
27 for each appraisal district and each taxing unit [~~each county, and~~

1 ~~each school district and may include for other taxing units]~~ the
2 total appraised values, assessed values, and taxable values of
3 taxable property by class of property, the assessment ratio, and
4 the tax rate.

5 SECTION 8. The comptroller of public accounts may seek
6 assistance from and coordinate with the Department of Information
7 Resources to develop and implement the Internet portal to local
8 government finances required to be established by Section 403.0241,
9 Government Code, as added by this Act. The comptroller of public
10 accounts shall implement the Internet portal not later than August
11 31, 2012.

12 SECTION 9. The assessor for each taxing unit shall provide
13 to the comptroller of public accounts the ad valorem tax rates
14 specified by Section 403.0241(g), Government Code, as added by this
15 Act, beginning with the rates for the 2011 tax year.

16 SECTION 10. The Internet posting requirements imposed by
17 Sections 102.012(d), 102.013(e), 103.003(c), 114.022(c), and
18 114.023(d), Local Government Code, as added by this Act, apply to
19 financial information regarding each fiscal year of a political
20 subdivision that begins on or after September 1, 2011.

21 SECTION 11. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2011.