

By: Pitts

H.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the fiscal transparency and accountability of certain entities responsible for public money.

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

SECTION 1. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INFORMATION REGARDING FACILITIES

Sec. 46.101. DEFINITION. In this subchapter, "instructional facility" has the meaning assigned by Section 46.001.

Sec. 46.102. INVENTORY OF EXISTING FACILITIES. (a) A school district or open-enrollment charter school shall post an inventory of the district's or school's existing facilities on the district's or school's Internet website.

(b) The inventory must include at least the following information regarding instructional facilities:

(1) the total available square footage and maximum student capacity of the district's or school's instructional facilities in aggregate;

(2) the total current student enrollment in the district or school; and

(3) for each separate instructional facility:

(A) square footage;

(B) maximum student capacity; and

1 (C) current student enrollment.

2 (c) The inventory must include at least the following
3 information regarding each facility other than an instructional
4 facility:

5 (1) square footage;

6 (2) a statement of the facility's current use; and

7 (3) any other information specified by rule adopted by
8 the commissioner.

9 (d) For a facility for which the school district or
10 open-enrollment charter school developed and posted construction
11 or renovation information in accordance with Section 46.103, the
12 information provided under this section for the facility must also
13 include the final updated information required under Section
14 46.103. This subsection does not require a district or school to
15 develop and post information regarding construction or renovation
16 costs for a facility not subject to Section 46.103.

17 (e) A school district or open-enrollment charter school
18 shall update the information posted under this section at least
19 annually and more frequently if necessary to ensure that the
20 information provides an accurate description of existing
21 facilities.

22 (f) A school district or open-enrollment charter school
23 shall maintain an Internet website to comply with this section.

24 Sec. 46.103. CONSTRUCTION AND RENOVATION OF FACILITIES.

25 (a) A school district or open-enrollment charter school shall post
26 on the district's or school's Internet website at least the
27 information specified by this section regarding each project for

1 the construction or renovation of a facility.

2 (b) The following information must be posted regarding an
3 instructional facility:

4 (1) the square footage of the facility;

5 (2) the square footage per student, computed using the
6 maximum student capacity at the facility;

7 (3) the cost per square foot;

8 (4) the cost per student, computed using the maximum
9 student capacity at the facility; and

10 (5) the average cost of constructing a comparable
11 facility in the region, as determined by the commissioner under
12 Subsection (f).

13 (c) The following information must be posted regarding a
14 facility other than an instructional facility:

15 (1) the square footage of the facility;

16 (2) a statement of the intended use of the facility;

17 (3) the cost per square foot;

18 (4) the average cost of constructing a comparable
19 facility in the region, as determined by the commissioner under
20 Subsection (f); and

21 (5) any other information specified by rule adopted by
22 the commissioner.

23 (d) A school district or open-enrollment charter school
24 shall comply with this section at the beginning of a project by
25 posting information based on estimated costs and anticipated
26 construction or renovation design plans. At the conclusion of the
27 project, the district or school shall post updated information that

1 reflects the actual cost and final specifications of the project.
2 Subsequently, the district or school shall continue to post the
3 information as provided by Section 46.102(d).

4 (e) A school district or open-enrollment charter school
5 shall maintain an Internet website to comply with this section.

6 (f) The commissioner shall determine and periodically
7 update information regarding the average cost per square foot in
8 each region of the state of constructing instructional facilities
9 and other school district or open-enrollment charter school
10 facilities. The commissioner may base a determination under this
11 subsection on any relevant information available to the
12 commissioner and may enter into any contract necessary to authorize
13 use of or access to the information.

14 SECTION 2. Section 51.005, Education Code, is amended to
15 read as follows:

16 Sec. 51.005. ANNUAL FINANCIAL REPORT [~~REPORTS~~]. (a) Each
17 institution of higher education shall:

18 (1) prepare a complete annual financial report as
19 prescribed by Section 2101.011, Government Code; and

20 (2) post the institution's most recent annual
21 financial report continuously on the institution's Internet
22 website.

23 (b) Each institution of higher education that is a component
24 of a university system shall include in its annual financial report
25 a description of any debt issued by the university system for or on
26 behalf of the institution during the fiscal year covered by the
27 report. In this subsection, "university system" has the meaning

1 assigned by Section 61.003.

2 SECTION 3. Subchapter C, Chapter 61, Education Code, is
3 amended by adding Section 61.0621 to read as follows:

4 Sec. 61.0621. JUNIOR COLLEGE DISTRICT CONSTRUCTION COST
5 REPORTING. (a) The board shall require each junior college
6 district to report building construction costs and related
7 information to the board for the purpose of determining:

8 (1) the average cost per square foot, adjusted for
9 inflation for the region of the state in which the project is
10 located; and

11 (2) the average cost per full-time equivalent student
12 for each junior college district.

13 (b) The board, in consultation with the governing boards of
14 the state's junior college districts, shall prescribe the form,
15 manner, and times of reports required under this section.

16 (c) The board shall compile the information reported under
17 Subsection (a) for all junior college districts and periodically
18 report its findings to the districts. The board and each junior
19 college district shall post the board's findings on each respective
20 entity's Internet website.

21 (d) The board shall adopt rules for the administration of
22 this section.

23 (e) In administering this section, the board shall attempt
24 to avoid duplicating other reporting requirements applicable to
25 junior college districts.

26 SECTION 4. Subchapter B, Chapter 403, Government Code, is
27 amended by adding Section 403.0117 to read as follows:

1 Sec. 403.0117. LOCAL TAX RATES PUBLISHED ON INTERNET. (a)

2 The comptroller shall publish on the comptroller's Internet
3 website, listed by county:

4 (1) the name of each political subdivision that
5 imposes a sales and use tax and the sales and use tax rate for the
6 political subdivision; and

7 (2) the tax rate information reported to the
8 comptroller by each county assessor-collector under Section
9 26.16(e), Tax Code.

10 (b) The comptroller shall update the information described
11 by Subsection (a) at least annually.

12 SECTION 5. Section 1202.008, Government Code, is amended to
13 read as follows:

14 Sec. 1202.008. COLLECTION AND REPORT OF INFORMATION ON
15 LOCAL [PUBLIC] SECURITIES [OF POLITICAL SUBDIVISIONS]. (a) In
16 this section, "local security" has the meaning assigned by Section
17 1231.001.

18 (b) In reviewing local [public] securities under this
19 chapter, the attorney general shall [may] collect, in the form
20 required by the Bond Review Board, information on each local
21 security [public securities issued by a municipal corporation or
22 political subdivision of this state].

23 (c) [(b)] The information must include:

24 (1) the terms of each local security [~~the public~~
25 ~~securities~~];

26 (2) the debt service payable on each local security
27 [~~the public securities~~]; and

1 (2) total debt [~~tax-supported debt service as a~~
2 ~~percentage of general revenue expenditure;~~
3 ~~[(3)] per capita [total debt];~~
4 (3) tax-supported debt [~~(4) per capita tax-supported~~
5 ~~debt;~~
6 ~~[(5) total debt and tax-supported debt as a percentage~~
7 ~~of personal income;~~
8 ~~[(6) total personal income per capita;~~
9 ~~[(7) total debt per capita as a percentage of total~~
10 ~~personal income] per capita;~~
11 (4) [(8)] total debt and tax-supported debt as a
12 percentage of real property valuations;
13 (5) [(9) total debt and tax-supported debt as a
14 ~~percentage of annual revenues and expenditures;~~
15 ~~[(10)] principal scheduled [~~required~~] to be repaid in~~
16 ~~five years, [and principal required to be repaid in] 10 years, and~~
17 20 years;
18 (6) [(11) growth rates of total debt per capita and
19 ~~total debt per dollar of personal income;~~
20 ~~[(12)] recent issuances [~~trends in the issuance]~~ of~~
21 short-term notes;
22 (7) [(13)] recent trends in issuance costs;
23 (8) [(14)] savings from recent refundings;
24 (9) debt outstanding [~~(15) recent trends in~~
25 ~~capitalized interest use;~~
26 ~~[(16) debt service coverage ratios, if applicable];~~
27 and

1 (10) [~~17~~] other information the board considers
2 relevant.

3 SECTION 9. The heading to Section 1231.102, Government
4 Code, is amended to read as follows:

5 Sec. 1231.102. STATE SECURITIES ANNUAL REPORT.

6 SECTION 10. Subchapter F, Chapter 1231, Government Code, is
7 amended by adding Sections 1231.104, 1231.105, and 1231.106 to read
8 as follows:

9 Sec. 1231.104. LOCAL SECURITIES ANNUAL REPORT. Not later
10 than the 180th day after the end of each state fiscal year, the bond
11 finance office shall publish a report listing:

12 (1) the amount of local securities outstanding;

13 (2) applicable repayment schedules; and

14 (3) other information the office considers relevant.

15 Sec. 1231.105. ONLINE ANNUAL LOCAL DEBT STATISTICS REPORT.
16 Not later than the 150th day after the end of each state fiscal
17 year, the bond finance office shall publish on the office's
18 Internet website a report that includes the statistical information
19 listed in Section 1231.062(b) for all local securities for the
20 preceding fiscal year.

21 Sec. 1231.106. REQUIRED INFORMATION. (a) An issuer of a
22 local security shall provide annually to the bond finance office,
23 and at other times required by the office, information that the
24 office determines necessary to administer the powers or duties of
25 the board or the office, including the preparation of any report.

26 (b) The bond finance office shall develop a standardized
27 format to simplify the submission of information by an issuer under

1 this section.

2 SECTION 11. Section 140.005, Local Government Code, is
3 transferred to Subchapter D, Chapter 12, Education Code,
4 redesignated as Section 12.1191, Education Code, and amended to
5 read as follows:

6 Sec. 12.1191 [~~140.005~~]. ANNUAL FINANCIAL STATEMENT OF
7 CHARTER SCHOOL [~~, ROAD, OR OTHER DISTRICT~~]. (a) The governing body
8 of an [~~a school district,~~] open-enrollment charter school [~~, junior~~
9 ~~college district, or a district or authority organized under~~
10 ~~Article III, Section 52, or Article XVI, Section 59, of the Texas~~
11 ~~Constitution,~~] shall prepare an annual financial statement showing
12 for each fund subject to the authority of the governing body during
13 the fiscal year:

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

18 (2) the total disbursements of the fund, itemized by
19 the nature of the expenditure; and

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

22 (b) The governing body of an open-enrollment charter school
23 shall take action to ensure that the school's annual financial
24 report is made available in the manner provided by Chapter 552,
25 Government Code, and is posted continuously on the school's
26 Internet website.

27 (c) An open-enrollment charter school shall maintain an

1 Internet website to comply with this section.

2 SECTION 12. Chapter 140, Local Government Code, is amended
3 by adding Section 140.008 to read as follows:

4 Sec. 140.008. ANNUAL FINANCIAL REPORT; DEBT INFORMATION.

5 (a) In this section:

6 (1) "Debt obligation" means an issued public security,
7 as defined by Section 1201.002, Government Code.

8 (2) "Political subdivision" means a county,
9 municipality, school district, junior college district, other
10 special district, or other subdivision of state government.

11 (b) A political subdivision shall prepare an annual
12 financial report that includes:

13 (1) financial information for each fund subject to the
14 authority of the governing body of the political subdivision during
15 the fiscal year, including:

16 (A) the total receipts of the fund, itemized by
17 source of revenue, including taxes, assessments, service charges,
18 grants of state money, gifts, or other general sources from which
19 funds are derived;

20 (B) the total disbursements of the fund, itemized
21 by the nature of the expenditure;

22 (C) the balance in the fund as of the last day of
23 the fiscal year; and

24 (D) any other information required by law to be
25 included by the political subdivision in an annual financial report
26 or comparable annual financial statement, exhibit, or report; and

27 (2) then-current debt obligation information for the

1 political subdivision that must state:

2 (A) as a total amount and as a per capita amount:

3 (i) the amount of all authorized debt
4 obligations;

5 (ii) the principal of all outstanding debt
6 obligations;

7 (iii) the principal of each outstanding
8 debt obligation;

9 (iv) the combined principal and interest
10 required to pay all outstanding debt obligations on time and in
11 full; and

12 (v) the combined principal and interest
13 required to pay each outstanding debt obligation on time and in
14 full; and

15 (B) for each debt obligation:

16 (i) the issued and unissued amount;

17 (ii) the spent and unspent amount;

18 (iii) the maturity date; and

19 (iv) the stated purpose for which the debt
20 obligation was authorized.

21 (c) The governing body of a political subdivision shall take
22 action to ensure that:

23 (1) the political subdivision's annual financial
24 report is made available for inspection by any person and is posted
25 continuously on the political subdivision's Internet website; and

26 (2) the contact information for the main office of the
27 political subdivision is continuously posted on the website,

1 including the physical address, the mailing address, the main
2 telephone number, and an e-mail address.

3 (d) A political subdivision shall maintain an Internet
4 website to comply with this section.

5 SECTION 13. The heading to Section 26.16, Tax Code, is
6 amended to read as follows:

7 Sec. 26.16. REPORTING OF TAX RATES AND POSTING OF [~~TAX~~]
8 RATES ON COUNTY'S INTERNET WEBSITE.

9 SECTION 14. Section 26.16, Tax Code, is amended by amending
10 Subsections (a), (b), and (e) and adding Subsection (f) to read as
11 follows:

12 (a) The county assessor-collector for each county,
13 including those that do not participate in the assessment or
14 collection of property taxes, shall maintain [~~that maintains~~] an
15 Internet website. The county assessor-collector shall post on the
16 website [~~of the county~~] the following information for the most
17 recent five tax years beginning with the 2012 tax year for each
18 taxing unit all or part of the territory of which is located in the
19 county:

- 20 (1) the adopted tax rate;
21 (2) the maintenance and operations rate;
22 (3) the debt rate;
23 (4) the effective tax rate;
24 (5) the effective maintenance and operations rate; and
25 (6) the rollback tax rate.

26 (b) Each taxing unit [~~all or part of the territory of which~~
27 ~~is located in the county~~] shall annually provide the information

1 described by Subsection (a) pertaining to the taxing unit to the
2 county assessor-collector of each county in which all or part of the
3 unit's territory is located [~~annually~~] following the adoption of a
4 tax rate by the taxing unit for the current tax year. The chief
5 appraiser of the appraisal district established in the county may
6 assist the county assessor-collector in identifying the taxing
7 units required to provide information to the assessor-collector.

8 (e) The county assessor-collector for each county shall
9 report the tax rate information described by Subsection (a) for the
10 current tax year to the comptroller.

11 (f) The comptroller by rule shall prescribe the time and
12 manner in which the information described by this section is
13 required to be reported and published [~~presented~~].

14 SECTION 15. Section 140.006, Local Government Code, is
15 repealed.

16 SECTION 16. (a) Section 46.103, Education Code, as added by
17 this Act, applies only to school district construction or
18 renovation projects that are in progress on or are initiated on or
19 after the effective date of this Act. A school district is not
20 required to post information regarding projects that are completed
21 on or before the effective date of this Act.

22 (b) The governing body of a school district or junior
23 college district required to publish an annual financial statement
24 under former Section 140.006, Local Government Code, shall publish
25 an annual financial statement for the last fiscal year ending
26 before the effective date of this Act for which the district has not
27 published an annual financial statement.

1 (c) Section 140.008, Local Government Code, as added by this
2 Act, applies only to an annual financial report for a fiscal year
3 ending on or after the effective date of this Act. An annual
4 financial report for a fiscal year ending before the effective date
5 of this Act is governed by the law in effect when the fiscal year
6 ended, and the former law is continued in effect for that purpose.

7 SECTION 17. This Act takes effect September 1, 2013.