

By: Stephenson

H.B. No. 1343

A BILL TO BE ENTITLED

AN ACT

relating to public access to financial and tax rate information of certain special purpose districts.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Sections 403.0241 and 403.0242 to read as follows:

Sec. 403.0241. SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION DATABASE. (a) In this section:

(1) "Special purpose district" means a political subdivision of this state with geographic boundaries that define the subdivision's territorial jurisdiction. The term does not include a municipality, county, junior college district, independent school district, or political subdivision with statewide jurisdiction.

(2) "Tax year" has the meaning assigned by Section 1.04, Tax Code.

(b) The comptroller shall create and make accessible on the Internet a database, to be known as the Special Purpose District Public Information Database, that contains information regarding all active special purpose districts of this state that are authorized by the state by a general or special law to impose an ad valorem tax or a sales and use tax, to impose an assessment, or to charge a fee.

1 (c) For each special purpose district described by
2 Subsection (b), the database must include:

3 (1) the name of the special purpose district;

4 (2) the name of each board member or employee of the
5 special purpose district;

6 (3) the name of each attorney who represents the
7 district;

8 (4) contact information for the main office of the
9 special purpose district, including the physical address, the
10 mailing address, and the main telephone number;

11 (5) the special purpose district's Internet website
12 address, if any;

13 (6) the information the special purpose district is
14 required to report under Section 140.008(b) or (g), Local
15 Government Code, including any revenue obligations;

16 (7) the total annual revenue of the special purpose
17 district, including bond proceeds and grants;

18 (8) the amount of money in the special purpose
19 district's possession on the last day of the most recently
20 completed fiscal year, including a statement of the balance in each
21 of its accounts at the end of that fiscal year;

22 (9) the rate of any sales and use tax the special
23 purpose district imposes; and

24 (10) the table of ad valorem tax rates for the most
25 recent tax year described by Section 26.16, Tax Code, in the form
26 required by that section.

27 (d) The comptroller may consult with the appropriate

1 officer of, or other person representing, each special purpose
2 district to obtain the information necessary to operate and update
3 the database.

4 (e) To the extent information required in the database is
5 otherwise collected or maintained by a state agency or special
6 purpose district, the comptroller may request and the state agency
7 or special purpose district shall provide that information and
8 updates to the information as necessary for inclusion in the
9 database.

10 (f) The comptroller shall update information in the
11 database at least annually.

12 (g) The comptroller may not charge a fee to the public to
13 access the database.

14 (h) The comptroller may establish procedures and adopt
15 rules to implement this section.

16 Sec. 403.0242. SPECIAL PURPOSE DISTRICT NONCOMPLIANCE
17 LIST. (a) The comptroller shall prepare and maintain a
18 noncompliance list of special purpose districts that have not
19 complied with a requirement to provide information under Section
20 403.0241 or Section 203.062, Local Government Code.

21 (b) If a special purpose district does not comply with a
22 requirement to provide information under Section 403.0241 or
23 Section 203.062, Local Government Code, the comptroller shall
24 notify the person listed as the contact for the district. The
25 notice must be in writing, describe the information that must be
26 submitted to the comptroller, and inform the special purpose
27 district that the district will be placed on the noncompliance list

1 if the required information is not provided.

2 (c) The attorney general may not approve a public security
3 submitted under Chapter 1202 by a special purpose district that
4 appears on the noncompliance list until the attorney general
5 receives written notification from the comptroller that the
6 comptroller:

7 (1) has received the required information; or

8 (2) has agreed to a later date for the special purpose
9 district to submit the information.

10 SECTION 2. Chapter 203, Local Government Code, is amended
11 by adding Subchapter D to read as follows:

12 SUBCHAPTER D. RECORDS AND INFORMATION PROVIDED TO COMPTROLLER

13 Sec. 203.061. APPLICABILITY OF SUBCHAPTER. This subchapter
14 applies only to a special purpose district described by Section
15 403.0241(b), Government Code.

16 Sec. 203.062. PROVISION OF CERTAIN RECORDS AND OTHER
17 INFORMATION TO COMPTROLLER. (a) A special purpose district shall
18 transmit records and other information to the comptroller annually
19 for purposes of providing the comptroller with information to
20 operate and update the Special Purpose District Public Information
21 Database under Section 403.0241, Government Code.

22 (b) The special purpose district may comply with Subsection
23 (a) by transmitting an affidavit affirming that records and other
24 information previously transmitted are current.

25 (c) The special purpose district shall transmit the records
26 and other information in a form and in the manner prescribed by the
27 comptroller.

1 SECTION 3. The comptroller shall create and post on the
2 Internet the Special Purpose District Public Information Database
3 required by Section 403.0241, Government Code, as added by this
4 Act, not later than January 1, 2018.

5 SECTION 4. Not later than January 1, 2018, the comptroller
6 shall send written notice to each special purpose district
7 described by Section 403.0241(b), Government Code, as added by this
8 Act, that describes the changes in law made by this Act. Each
9 special purpose district that receives notice shall submit to the
10 comptroller any information required under Section 403.0241,
11 Government Code, as added by this Act, or Section 203.062, Local
12 Government Code, as added by this Act, not later than the 90th day
13 after the date the district receives the notice.

14 SECTION 5. The changes in law made by this Act in Section
15 403.0242(c), Government Code, apply only to a security submitted
16 for review to the attorney general by an issuer on or after April 2,
17 2018. A security submitted for review to the attorney general by an
18 issuer before April 2, 2018, is governed by the law in effect when
19 the security is submitted, and the former law is continued in effect
20 for that purpose.

21 SECTION 6. This Act takes effect September 1, 2017.