

BILL ANALYSIS

C.S.H.B. 3001
By: Morrison
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that recent legislative efforts provided requirements for certain political subdivisions annually to compile information regarding debt obligations and to make the information available to the public by either posting it on their own websites or reporting it to the comptroller of public accounts. There have been calls to exclude certain special purpose districts from duplicative reporting requirements. C.S.H.B. 3001 seeks to address this issue by providing for such exclusion.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 3001 amends the Local Government Code to revise a provision establishing that certain water districts satisfy requirements relating to the annual reporting of certain financial information if the district complies with applicable requirements regarding audit reports, affidavits of financial dormancy, and annual financial reports and submits applicable financial documents to the comptroller of public accounts as follows:

- by conditioning such satisfaction on the compliance and submittal being on an annual basis;
- by specifying that the submittal of the financial documents is in the form and manner prescribed by the comptroller; and
- by providing the option for a district, as an alternative to submitting the financial documents to the comptroller, to take action to ensure that the documents are made available at a regular office of the district for inspection by any person and, if the district maintains a website, are posted continuously for public viewing on the district's website.

C.S.H.B. 3001 makes the requirement that the comptroller post the submitted documents on the comptroller's website applicable only to the extent that the documents as submitted to the comptroller are in a form that facilitates compliance with applicable technical accessibility standards and specifications established in the electronic and information resources accessibility policy adopted by the comptroller and requires the comptroller to post any other information the comptroller considers relevant or necessary on the comptroller's website to such extent. The bill excludes a special purpose district in the comptroller's Special Purpose District Public Information Database from the term "political subdivision" applicable to provisions relating to

the annual reporting of certain financial information. The bill, for purposes of the requirement that the comptroller post information on the comptroller's website provided by a political subdivision as an alternative to the political subdivision providing an annual report in a certain manner, requires the comptroller to post any other information the comptroller considers relevant or necessary on the website.

C.S.H.B. 3001 authorizes the comptroller, if information required to be posted by the comptroller under provisions relating to the annual reporting of certain political subdivision financial information is posted separately on a website that a state agency, the comptroller, or a political subdivision maintains or causes to be maintained, to post on the comptroller's website a direct link to, or a clear statement describing the location of, the separately posted information instead of or in addition to reproducing the required information on the comptroller's website.

C.S.H.B. 3001 amends the Government Code, for purposes of the authorization for the comptroller to require a state agency or special purpose district that collects or maintains information required in the Special Purpose District Public Information Database to provide that information and updates to the information as necessary for inclusion in the database, to specify that the provision of the information and updates is in the form and manner prescribed by the comptroller. The bill authorizes the comptroller, if the required information is posted separately on a website that the state agency, comptroller, or special purpose district maintains or causes to be maintained, to include in the database a direct link to, or a clear statement describing the location of, the separately posted information instead of or in addition to reproducing the information in the database.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3001 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision, for purposes of the requirement that the comptroller post information on the comptroller's website provided by a political subdivision as an alternative to the political subdivision providing an annual report in a certain manner, requiring the comptroller to post any other information the comptroller considers relevant or necessary on the website.

The substitute does not include a provision revising a provision establishing that certain water districts satisfy requirements relating to the annual reporting of certain financial information if the district complies with applicable requirements regarding audit reports, affidavits of financial dormancy, and annual financial reports and submits applicable financial documents to the comptroller of public accounts by restricting the applicability of that provision to a district that is not a district in the comptroller's Special Purpose District Public Information Database. The substitute, with respect to a bill provision providing the option for a district, as an alternative to submitting the financial documents to the comptroller, to take action to ensure that the documents are made available at a regular office of the district for inspection by any person and are posted continuously for public viewing on the district's website, specifies that such posting requirement applies only if the district maintains a website. The substitute includes a provision excluding a special purpose district in the comptroller's Special Purpose District Public Information Database from the term "political subdivision" applicable to provisions relating to the annual reporting of certain financial information.

The substitute includes a provision, with respect to the requirement that the comptroller post certain financial documents submitted to the comptroller by certain water districts on the

comptroller's website to a certain extent, requiring the comptroller to post any other information the comptroller considers relevant or necessary on the website to such extent. The substitute does not include a provision authorizing the comptroller, if the comptroller determines that compliance with applicable posting requirements imposes a significant difficulty or expense on a district, to provide individuals with disabilities an alternate method of access instead of posting the documents on the comptroller's website.

The substitute removes the restriction that applicable information be easily located by searching the name of the political subdivision or district on the Internet on the authorization for the comptroller, if information required to be posted by the comptroller under provisions relating to the annual reporting of certain political subdivision financial information is posted separately on a website that a state agency, the comptroller, or a political subdivision maintains or causes to be maintained, to post on the comptroller's website a direct link to, or a clear statement describing the location of, the separately posted information instead of or in addition to reproducing the required information on the comptroller's website.