By:  Morrison (Senate Sponsor - Birdwell) H.B. No. 3001

(In the Senate - Received from the House May 13, 2019; May 14, 2019, read first time and referred to Committee on Intergovernmental Relations; May 17, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to the fiscal transparency of special purpose districts and other political subdivisions.

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

SECTION 1.  Sections 403.0241(c) and (e), Government Code, are amended to read as follows:

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

(1)  the name of the special purpose district;

(2)  the name of each board member of the special purpose district;

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

(4)  if the special purpose district employs a person as a general manager or executive director, or in another position to perform duties or functions comparable to those of a general manager or executive director, the name of the employee;

(5)  if the special purpose district contracts with a utility operator, contact information for a person representing the utility operator, including a mailing address and a telephone number;

(6)  if the special purpose district contracts with a tax assessor-collector, contact information for a person representing the tax assessor-collector, including a mailing address and telephone number;

(7)  the special purpose district's Internet website address, if any;

(8)  the financial information described by [~~the special purpose district is required to report under~~] Section 140.008(b) or (g), Local Government Code, including any revenue obligations;

(9)  the total amount of bonds authorized by the voters of the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds if refunding bonds were separately authorized and excluding contract revenue bonds;

(10)  the aggregate initial principal amount of all bonds issued by the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds and contract revenue bonds;

(11)  the rate of any sales and use tax the special purpose district imposes; and

(12)  for a special purpose district that imposes an ad valorem tax:

(A)  the ad valorem tax rate for the most recent tax year if the district is a district as defined by Section 49.001, Water Code; or

(B)  the table of ad valorem tax rates for the most recent tax year described by Section 26.16, Tax Code, in the form required by that section, if the district is not a district as defined by Section 49.001, Water Code.

(e)  To the extent information required in the database is otherwise collected or maintained by a state agency or special purpose district, the comptroller may require the state agency or special purpose district to provide that information and updates to the information as necessary for inclusion in the database in the form and manner prescribed by the comptroller. If the required information is posted separately on an Internet website that the state agency, comptroller, or special purpose district maintains or causes to be maintained, the comptroller may 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.

SECTION 2.  Section 140.008(a)(2), Local Government Code, is amended to read as follows:

(2)  "Political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government. The term does not include a special purpose district described by Section 403.0241(b), Government Code.

SECTION 3.  Section 140.008, Local Government Code, is amended by amending Subsections (d), (g), and (h) and adding Subsection (i) to read as follows:

(d)  As an alternative to providing an annual report under Subsection (f), a political subdivision may provide to the comptroller the information described by Subsection (b) and any other related information required by the comptroller in the form and in the manner prescribed by the comptroller. The comptroller shall post the information provided by the political subdivision and any other information the comptroller considers relevant or necessary on the comptroller's Internet website. The comptroller may post the information in the format that the comptroller determines appropriate, provided that the information for each political subdivision is easily located by searching the name of the political subdivision on the Internet. If the political subdivision maintains an Internet website, the political subdivision shall provide a link from the website to the location on the comptroller's website where the political subdivision's financial information may be viewed. The comptroller shall adopt rules necessary to implement this subsection.

(g)  Notwithstanding any other provision of this section, a district, as defined by Section 49.001, Water Code, satisfies the requirements of this section if, on an annual basis, the district:

(1)  complies with the requirements of Subchapter G, Chapter 49, Water Code, regarding audit reports, affidavits of financial dormancy, and annual financial reports; and

(2)  either:

(A)  submits the financial documents described by Subchapter G, Chapter 49, Water Code, to the comptroller in the form and manner prescribed by the comptroller; or

(B)  takes action to ensure that the financial documents described by Subchapter G, Chapter 49, Water Code, are made available at a regular office of the district for inspection by any person and, if the district maintains an Internet website, are posted continuously for public viewing on the district's Internet website.

(h)  The comptroller shall post the documents submitted to the comptroller under Subsection (g) and any other information the comptroller considers relevant or necessary on the comptroller's Internet website, 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 under other law. The comptroller shall adopt rules necessary to implement this subsection and Subsection (g).

(i)  If information required to be posted by the comptroller under this section is posted separately on an Internet website that a state agency, the comptroller, or a political subdivision, including a district as defined by Section 49.001, Water Code, maintains or causes to be maintained, the comptroller may post on the comptroller's Internet 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.

SECTION 4.  The changes in law made by this Act apply only to a report required to be made on or after the effective date of this Act. A report required to be made before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2019.

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