

1-1 By: Kolkhorst S.B. No. 625  
 1-2 (In the Senate - Filed January 26, 2017; February 13, 2017,  
 1-3 read first time and referred to Committee on Intergovernmental  
 1-4 Relations; April 24, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-6 April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 625 By: Bettencourt

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to public access to financial and tax rate information of  
 1-20 certain special purpose districts; imposing a civil penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 403, Government Code, is  
 1-23 amended by adding Sections 403.0241 and 403.0242 to read as  
 1-24 follows:

1-25 Sec. 403.0241. SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION  
 1-26 DATABASE. (a) In this section:

1-27 (1) "Special purpose district" means a political  
 1-28 subdivision of this state with geographic boundaries that define  
 1-29 the subdivision's territorial jurisdiction. The term does not  
 1-30 include a municipality, county, junior college district,  
 1-31 independent school district, or political subdivision with  
 1-32 statewide jurisdiction.

1-33 (2) "Tax year" has the meaning assigned by Section  
 1-34 1.04, Tax Code.

1-35 (b) The comptroller shall create and make accessible on the  
 1-36 Internet a database, to be known as the Special Purpose District  
 1-37 Public Information Database, that contains information regarding  
 1-38 all special purpose districts of this state that:

1-39 (1) are authorized by the state by a general or special  
 1-40 law to impose an ad valorem tax or a sales and use tax, to impose an  
 1-41 assessment, or to charge a fee; and

1-42 (2) during the most recent fiscal year:

1-43 (A) had bonds outstanding;

1-44 (B) had gross receipts from operations, loans,  
 1-45 taxes, or contributions in excess of \$250,000; or

1-46 (C) had cash and temporary investments in excess  
 1-47 of \$250,000.

1-48 (c) For each special purpose district described by  
 1-49 Subsection (b), the database must include:

1-50 (1) the name of the special purpose district;

1-51 (2) the name of each board member of the special  
 1-52 purpose district;

1-53 (3) contact information for the main office of the  
 1-54 special purpose district, including the physical address, the  
 1-55 mailing address, and the main telephone number;

1-56 (4) if the special purpose district employs a person  
 1-57 as a general manager or executive director, or in another position  
 1-58 to perform duties or functions comparable to those of a general  
 1-59 manager or executive director, the name of the employee;

1-60 (5) if the special purpose district contracts with a

2-1 utility operator, contact information for a person representing the  
2-2 utility operator, including a mailing address and a telephone  
2-3 number;  
2-4 (6) if the special purpose district contracts with a  
2-5 tax assessor-collector, contact information for a person  
2-6 representing the tax assessor-collector, including a mailing  
2-7 address and telephone number;  
2-8 (7) the special purpose district's Internet website  
2-9 address, if any;  
2-10 (8) the information the special purpose district is  
2-11 required to report under Section 140.008(b) or (g), Local  
2-12 Government Code, including any revenue obligations;  
2-13 (9) the total amount of bonds authorized by the voters  
2-14 of the special purpose district that are payable wholly or partly  
2-15 from ad valorem taxes, excluding refunding bonds if refunding bonds  
2-16 were separately authorized and excluding contract revenue bonds;  
2-17 (10) the aggregate initial principal amount of all  
2-18 bonds issued by the special purpose district that are payable  
2-19 wholly or partly from ad valorem taxes, excluding refunding bonds  
2-20 and contract revenue bonds;  
2-21 (11) the rate of any sales and use tax the special  
2-22 purpose district imposes; and  
2-23 (12) for a special purpose district that imposes an ad  
2-24 valorem tax:  
2-25 (A) the ad valorem tax rate for the most recent  
2-26 tax year if the district is a district as defined by Section 49.001,  
2-27 Water Code; or  
2-28 (B) the table of ad valorem tax rates for the most  
2-29 recent tax year described by Section 26.16, Tax Code, in the form  
2-30 required by that section, if the district is not a district as  
2-31 defined by Section 49.001, Water Code.  
2-32 (d) The comptroller may consult with the appropriate  
2-33 officer of, or other person representing, each special purpose  
2-34 district to obtain the information necessary to operate and update  
2-35 the database.  
2-36 (e) To the extent information required in the database is  
2-37 otherwise collected or maintained by a state agency or special  
2-38 purpose district, the comptroller may require the state agency or  
2-39 special purpose district to provide that information and updates to  
2-40 the information as necessary for inclusion in the database.  
2-41 (f) The comptroller shall update information in the  
2-42 database annually.  
2-43 (g) The comptroller may not charge a fee to the public to  
2-44 access the database.  
2-45 (h) The comptroller may establish procedures and adopt  
2-46 rules to implement this section.  
2-47 Sec. 403.0242. SPECIAL PURPOSE DISTRICT NONCOMPLIANCE  
2-48 LIST. The comptroller shall prepare and maintain a noncompliance  
2-49 list of special purpose districts that have not timely complied  
2-50 with a requirement to provide information under Section 203.062,  
2-51 Local Government Code.  
2-52 SECTION 2. Chapter 203, Local Government Code, is amended  
2-53 by adding Subchapter D to read as follows:  
2-54 SUBCHAPTER D. RECORDS AND INFORMATION PROVIDED TO COMPTROLLER  
2-55 Sec. 203.061. APPLICABILITY OF SUBCHAPTER. This subchapter  
2-56 applies only to a special purpose district described by Section  
2-57 403.0241(b), Government Code.  
2-58 Sec. 203.062. PROVISION OF CERTAIN RECORDS AND OTHER  
2-59 INFORMATION TO COMPTROLLER. (a) A special purpose district shall  
2-60 transmit records and other information to the comptroller annually  
2-61 for purposes of providing the comptroller with information to  
2-62 operate and update the Special Purpose District Public Information  
2-63 Database under Section 403.0241, Government Code.  
2-64 (b) The special purpose district may comply with Subsection  
2-65 (a) by affirming that records and other information previously  
2-66 transmitted are current.  
2-67 (c) The special purpose district shall transmit the records  
2-68 and other information in a form and in the manner prescribed by the  
2-69 comptroller.

3-1 Sec. 203.063. PENALTIES FOR NONCOMPLIANCE. (a) If a  
 3-2 special purpose district does not timely comply with Section  
 3-3 203.062, the comptroller shall provide written notice to the  
 3-4 special purpose district:

3-5 (1) informing the special purpose district of the  
 3-6 violation of that section; and

3-7 (2) notifying the special purpose district that the  
 3-8 special purpose district will be subject to a penalty of \$1,000 if  
 3-9 the special purpose district does not report the required  
 3-10 information on or before the 30th day after the date the notice is  
 3-11 provided.

3-12 (b) Not later than the 30th day after the date the  
 3-13 comptroller provides notice to a special purpose district under  
 3-14 Subsection (a), the special purpose district must report the  
 3-15 required information.

3-16 (c) If a special purpose district does not report the  
 3-17 required information as prescribed by Subsection (b):

3-18 (1) the special purpose district is liable to the  
 3-19 state for a civil penalty of \$1,000; and

3-20 (2) the comptroller shall provide written notice to  
 3-21 the special purpose district:

3-22 (A) informing the special purpose district of the  
 3-23 liability for the penalty; and

3-24 (B) notifying the special purpose district that  
 3-25 if the special purpose district does not report the required  
 3-26 information on or before the 30th day after the date the notice is  
 3-27 provided:

3-28 (i) the special purpose district will be  
 3-29 subject to an additional penalty of \$1,000; and

3-30 (ii) the noncompliance will be reflected in  
 3-31 the list maintained by the comptroller under Section 403.0242,  
 3-32 Government Code.

3-33 (d) Not later than the 30th day after the date the  
 3-34 comptroller provides notice to a special purpose district under  
 3-35 Subsection (c), the special purpose district must report the  
 3-36 required information.

3-37 (e) If a special purpose district does not report the  
 3-38 required information as prescribed by Subsection (d):

3-39 (1) the special purpose district is liable to the  
 3-40 state for a civil penalty of \$1,000; and

3-41 (2) the comptroller shall:  
 3-42 (A) reflect the noncompliance in the list  
 3-43 maintained under Section 403.0242, Government Code, until the  
 3-44 special purpose district reports all information required under  
 3-45 Section 203.062; and

3-46 (B) provide written notice to the special purpose  
 3-47 district that the noncompliance will be reflected in the list until  
 3-48 the special purpose district reports the required information.

3-49 (f) The attorney general may sue to collect a civil penalty  
 3-50 imposed by this section.

3-51 SECTION 3. (a) The comptroller shall create and post on  
 3-52 the Internet the Special Purpose District Public Information  
 3-53 Database required by Section 403.0241, Government Code, as added by  
 3-54 this Act, not later than January 1, 2018.

3-55 (b) Not later than January 1, 2018, the comptroller shall  
 3-56 send written notice to each special purpose district described by  
 3-57 Section 403.0241(b), Government Code, as added by this Act, that  
 3-58 describes the changes in law made by this Act. Each special purpose  
 3-59 district that receives notice shall submit to the comptroller any  
 3-60 information required under Section 403.0241, Government Code, as  
 3-61 added by this Act, or Section 203.062, Local Government Code, as  
 3-62 added by this Act, not later than the 90th day after the date the  
 3-63 district receives the notice.

3-64 (c) Notwithstanding another provision of this Act,  
 3-65 including Subsections (a) and (b) of this section, the comptroller  
 3-66 is required to implement this Act only if the legislature  
 3-67 appropriates money specifically for that purpose. If the  
 3-68 legislature does not appropriate money specifically for that  
 3-69 purpose, the comptroller may, but is not required to, implement

4-1 this Act using other appropriations available for that purpose.

4-2 SECTION 4. This Act takes effect September 1, 2017.

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