

BILL ANALYSIS

Senate Research Center

H.B. 3430
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Finance
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas state budget has grown to over \$160 billion for the coming biennium and taxpayers are entitled to as much information as possible about how their tax dollars are spent. Access to this information provides the opportunity for citizens to demand that the government be accountable for its spending.

While citizens have greater access to information due to a more open government and emerging technologies, citizens are required to access state expenditure information via individual state agencies, and the current information system is difficult to navigate.

H.B. 3430 improves the existing information system by creating a single, searchable, and publicly available online database of state expenditures.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 (Section 403.024, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 403, Government Code, by adding Section 403.024, as follows:

Sec. 403.024. SEARCHABLE STATE EXPENDITURE DATABASE. (a) Defines "state agency."

(b) Requires the comptroller of public accounts (comptroller) to establish and post on the Internet a database of state expenditures, including contracts and grants, that is electronically searchable by the public except as provided by Subsection (d). Requires the database to include the amount, date, payor, and payee of expenditures; and a listing of state expenditures by object of expense with links to the warrant or check register level and, to the extent maintained by state agency accounting systems in a reportable format, class and item levels.

(c) Requires the comptroller, to the extent possible, to present information in the database established under this section in a manner that is searchable and intuitive to users. Requires the comptroller to enhance and organize the presentation of the information through the use of graphical representations, such as pie charts, as the comptroller considers appropriate. Requires the database at the minimum to allow users to search and aggregate state funding by any element of the information; ascertain through a single search the total amount of state funding awarded to a person by a state agency; and download information yielded by a search of the database.

(d) Prohibits the comptroller from allowing public access under this section to a payee's address, except that the comptroller is authorized to allow public access under this section to information identifying the county in which the payee is located. Prohibits the comptroller from allowing public access under this section to information that is identified by a state agency as excepted from required disclosure under Chapter 552 or as confidential. Provides that it is an exception

to the application of Section 552.352(a) that the comptroller or an officer or employee of the comptroller's office posted information under this section in reliance on a determination made by a state agency about the confidentiality of information relating to the agency's expenditures. Provides that the comptroller or an officer or employee of the comptroller's office is immune from any civil liability for posting confidential information under this section if the comptroller, officer, or employee posted the information in reliance on a determination made by a state agency about the confidentiality of information relating to the agency's expenditures.

(e) Requires a state agency, to the extent any information required to be in the database is already being collected or maintained by the agency, to provide that information to the comptroller for inclusion in the database.

(f) Prohibits the comptroller from charging a fee to the public to access the database.

(g) Provides that a state agency is required to cooperate with and provide information to the comptroller as necessary to implement and administer this section.

(h) Requires the Department of Information Resources, after consultation with the comptroller, to prominently include a link to the database established under this section on the public home page of the TexasOnline Project described by Section 2054.252.

(i) Authorizes the comptroller to establish procedures and adopt rules to implement this section.

SECTION 2. Amends Section 2054.126, Government Code, by adding Subsection (f), as follows:

(f) Requires each agency that maintains a generally accessible Internet site or for which a generally accessible Internet site is maintained to include a link on the agency's Internet site to the state expenditure database established under Section 403.024. Defines "state agency."

SECTION 3. Amends Subchapter A, Chapter 313, Tax Code, by adding Section 313.008, as follows:

Sec. 313.008. REPORT ON COMPLIANCE WITH AGREEMENTS. (a) Requires that a report on each agreement entered into under this chapter be submitted by the comptroller, before the beginning of each regular session of the legislature, to certain government officials. Requires the report to include certain information for each agreement.

(b) Prohibits the report from including information that is made confidential by law.

(c) Authorizes the comptroller to require a recipient to submit, on a form provided by the comptroller, information required to complete the report.

SECTION 4. Makes application of Sections 403.024 and 2054.126(f), Government Code, as added by this Act, prospective.

SECTION 5. Requires the comptroller, not later than October 1, 2007, to establish the database as required by Section 403.024, Government Code, as added by this Act.

SECTION 6. Effective date: October 1, 2007.