

## **BILL ANALYSIS**

Senate Research Center

S.B. 1652  
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Finance  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1652 allows new initiatives and processes that will make the Texas government more transparent.

Provisions of the bill include additional reporting about state fees and the use of those fees by the Legislative Budget Board (LBB) and the comptroller of public accounts (comptroller); a requirement that LBB post raw budget data online if it can do so with existing resources or receives resources to do so; a requirement that a public hearing be held by the state's cash management committee before additional short-term debt is approved; and a requirement that state agencies post data sets they already collect if they can do so with existing resources or, if they receive new resources to post that information.

As proposed, S.B. 1652 amends current law relating to the implementation of new technology and new processes for the purposes of budget transparency, fiscal responsibility, and open government.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 322.008, Government Code, by adding Subsection (b-1), as follows:

(b-1) Requires the general appropriations bill, for each state fee the amount of which is proposed or authorized to be increased by a provision of the general appropriations bill, to set out in a separate section of the bill:

- (1) the statutory authority for the fee;
- (2) the amount of the fee increase;
- (3) the purpose or purposes for which the fee revenue is to be used; and
- (4) into which fund the fee revenue will be deposited.

SECTION 2. Amends Chapter 322, Government Code, by adding Section 322.021, as follows:

Sec. 322.021. BUDGET DATABASE. (a) Requires the Legislative Budget Board (LBB) to post on an Internet site maintained by LBB a database containing the information that LBB uses to prepare the general appropriations bill as filed and as subsequently amended, substituted, engrossed, or enrolled in either house of the legislature, if LBB:

- (1) determines that, using existing resources, LBB can post the database on the Internet website at no additional cost to the state;

(2) enters into a contract advantageous to the state under which the contractor posts the database on the Internet website at no additional cost to the state; or

(3) receives a gift or grant specifically for the purpose of posting the database on the Internet website.

(b) Requires LBB to post information to the database as soon as practicable after receipt of the information.

(c) Requires that the information contained in the database be raw data in open standard format that allows the public to search, extract, organize, and analyze the information.

(d) Prohibits LBB from publishing in the database information that is not subject to required disclosure under Chapter 552 (Public Information) or that is confidential.

SECTION 3. Amends Subchapter B, Chapter 403, Government Code, by adding Section 403.0145, as follows:

Sec. 403.0145. PUBLICATION OF FEES SCHEDULE. Requires the comptroller of public accounts (comptroller), as soon as practicable after the end of each regular or special legislative session, to publish a schedule of all revenue to the state from fees authorized by statute, including statutes adopted during that legislative session. Requires the schedule, for each fee, to specify:

(1) the purpose for which the fee revenue is to be used;

(2) if the fee has been increased during that legislative session, the amount of the increase;

(3) into which fund the fee revenue will be deposited; and

(4) the amount of the fee revenue that will be considered available for general governmental purposes and accordingly considered available for the purpose of certification under Section 403.121 (Contents of Estimate).

SECTION 4. Amends Section 404.124, Government Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Requires the cash management committee (committee) to hold a public hearing to solicit testimony on the cash flow shortfall forecast, including testimony on this state's overall economic condition, as soon as practicable after receiving the forecast.

(b) Authorizes the committee, based on the forecast and testimony provided at the hearing required by Subsection (a), to approve the issuance of notes, subject to Subsections (b-1) and (c), and the maximum outstanding balance of notes in any fiscal year.

(b-1) Provides that the committee's approval of the issuance of notes granted under Subsection (b) expires on the 61st day after the date the hearing conducted under Subsection (a) concludes. Prohibits the comptroller from issuing notes on or after the 61st day unless the comptroller submits another general revenue cash flow shortfall forecast to the committee and the committee subsequently grants approval for the issuance of the notes in accordance with the procedure required by Subsections (a) and (b). Provides that each subsequent approval expires on the 61st day after the date the hearing on which the approval was based concludes.

SECTION 5. Amends Subchapter F, Chapter 2054, Government Code, by adding Section 2054.1265, as follows:

Sec. 2054.1265. POSTING HIGH-VALUE DATA SETS ON INTERNET. (a) Defines, in this section, "high-value data set" and "state agency."

(b) Requires each state agency to post on a generally accessible Internet website maintained by or for the agency each high-value data set created or maintained by the agency, if the agency:

(1) determines that, using existing resources, the agency can post the data set on the Internet website at no additional cost to the state;

(2) enters into a contract advantageous to the state under which the contractor posts the data set on the Internet website at no additional cost to the state; or

(3) receives a gift or grant specifically for the purpose of posting one or more of the agency's high-value data sets on the Internet website.

(c) Requires that a high-value data set posted by a state agency under this section be raw data in open standard format that allows the public to search, extract, organize, and analyze the information.

(d) Requires that the web page on which a state agency's high-value data set is posted:

(1) use the agency's Internet website home page and include the uniform resource locator suffix "data"; and

(2) be not more than two mouse clicks from the agency's Internet website home page.

(e) Authorizes a state agency to accept a gift or grant for the purpose of posting one or more of the agency's high-value data sets on an Internet website.

SECTION 6. Makes application of Section 322.021, Government Code, as added by this Act, prospective.

SECTION 7. Effective date: upon passage or September 1, 2011.