

BILL ANALYSIS

Senate Research Center
83R15164 TJB-D

C.S.S.B. 656
By: Paxton
Open Government
3/27/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3195, 80th Legislature, Regular Session, 2007, requires a county or municipality to list on the cover page of its respective proposed budget whether the proposed budget would increase the total property tax levy and to post the proposed budget on its website if the political subdivision maintains a website. The legislation also requires a county or municipality to have a separate vote by which the budget is adopted and the property tax rate is adopted by the governing body.

C.S.S.B. 656 requires municipalities and counties to print a cover page for their respective adopted budgets listing a summary of the property tax information and the record votes by which the budget and tax rate were adopted.

C.S.S.B. 656 amends current law relating to providing transparency in the budget adoption process of municipalities and counties.

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 102.007, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that a vote by the governing body of a municipality required to act on a proposed budget at the conclusion of a public hearing to adopt the budget be a record vote.

(d) Requires that an adopted budget contain a cover page that includes:

(1) one of the following statements in a certain format that accurately describes the adopted budget:

(A) required language as set forth herein describing an adopted budget that will raise more revenue from property taxes than the previous year's budget;

(B) required language as set forth herein describing an adopted budget that will raise less revenue from property taxes than the previous year's budget;
or

(C) required language as set forth herein describing an adopted budget that will raise the same amount of revenue from property taxes as the previous year's budget;

(2) the record vote of each member of the governing body by name voting on the adoption of the budget;

(3) the municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including the property tax rate, the effective tax rate, the effective maintenance and operations tax rate, the rollback tax rate, and the debt rate; and

(4) the total amount of bonds and other debt obligations owed by the municipality.

SECTION 2. Amends Section 102.008, Local Government Code, as follows:

Sec. 102.008. APPROVED BUDGET FILED WITH MUNICIPAL CLERK; POSTING ON INTERNET. (a) Creates this subsection from existing text. Requires the governing body of the municipality to, on final approval of the budget by the governing body, file the budget with the municipal clerk and, if the municipality maintains an Internet website, take action to ensure that a copy of the budget, including the cover page, is posted on the website. Requires that the record votes described by Section 102.007(d)(2) is posted on the website at least until the first anniversary of the date the budget is adopted.

(b) Requires the governing body of a municipality to take action to ensure that the cover page of the budget is amended to include the property tax rates required by Section 102.007(d)(3) for the current fiscal year if the rates are not included on the cover page when the budget is filed with the municipal clerk. Requires the governing body to file an amended cover page with the municipal clerk and take action to ensure that the amended cover page is posted on the municipality's website.

SECTION 3. Amends Section 111.008, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that a vote by the commissioners court required to act on a proposed budget at the conclusion of a public hearing to adopt the budget be a record vote.

(d) Requires that an adopted budget contain a cover page that includes:

(1) one of the following statements in a certain format that accurately describes the adopted budget:

(A) required language as set forth herein describing an adopted budget that will raise more revenue from property taxes than the previous year's budget;

(B) required language as set forth herein describing an adopted budget that will raise less revenue from property taxes than the previous year's budget; or

(C) required language as set forth herein describing an adopted budget that will raise the same amount of revenue from property taxes as the previous year's budget;

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including the property tax rate, the effective tax rate, the effective maintenance and operations tax rate, the rollback tax rate, and the debt rate; and

(4) the total amount of bonds and other debt obligations owed by the county.

SECTION 4. Amends Section 111.009, Local Government Code, as follows:

Sec. 111.009. APPROVED BUDGET FILED WITH COUNTY CLERK: POSTING ON INTERNET. (a) Creates this subsection from existing text. Requires the commissioners court to, on final approval of the budget by the court, file the budget with the county clerk and, if the county maintains an Internet website, take action to ensure that a copy of the budget, including the cover page, is posted on the website, and the record vote described by Section 111.008(d)(2) is posted on the website at least until the first anniversary of the date the budget is adopted.

(b) Requires the commissioners court to take action to ensure that the cover page of the budget is amended to include the property tax rates required by Section 111.008(d)(3) for the current fiscal year if the rates are not included on the cover page when the budget is filed with the county clerk. Requires the commissioners court to file an amended cover page with the county clerk and take action to ensure that the amended cover page is posted on the county's website.

SECTION 5. Amends Section 111.039, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that a vote by the commissioners court required to act on a proposed budget at the conclusion of a public hearing to adopt the budget be a record vote.

(d) Requires that an adopted budget contain a cover page that includes:

(1) one of the required statements in a certain format that accurately describes the adopted budget:

(A) required language as set forth herein describing an adopted budget that will raise more revenue from property taxes than the previous year's budget;

(B) required language as set forth herein describing an adopted budget that will raise less revenue from property taxes than the previous year's budget;
or

(C) required language as set forth herein describing an adopted budget that will raise the same amount of revenue from property taxes as the previous year's budget;

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including the property tax rate, the effective tax rate, the effective maintenance and operations tax rate, the rollback tax rate, and the debt rate; and

(4) the total amount of bonds and other debt obligations owed by the county.

SECTION 6. Amends Section 111.040, Local Government Code, as follows:

Sec. 111.040. APPROVED BUDGET FILED WITH OFFICERS: POSTING ON INTERNET. (a) Creates this subsection from existing text. Requires the commissioners court to, on final approval of the budget by the court, file a copy of the budget with the county auditor and the county clerk and, if the county maintains an Internet website, take action to ensure that a copy of the budget, including the required cover page, is posted on the website, and the record vote described by Section 111.039(d)(2) is posted on the website at least until the first anniversary of the date the budget is adopted.

(b) Requires the commissioners court to take action to ensure that the cover page of the budget is amended to include the property tax rates required by Section 111.039(d)(3) for the current fiscal year if the rates are not included on the cover page when the budget is filed with the county clerk. Requires the commissioners court to file an amended cover page with the county clerk and take action to ensure that the amended cover page is posted on the county's website.

SECTION 7. Amends Section 111.068, Local Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires that a vote by the commissioners court required to act on a proposed budget at the conclusion of a public hearing to adopt the budget be a record vote.

(c) Requires that an adopted budget contain a cover page that includes:

(1) one of the following statements in a certain format that accurately describes the adopted budget:

(A) required language as set forth herein describing an adopted budget that will raise more revenue from property taxes than the previous year's budget;

(B) required language as set forth herein describing an adopted budget that will raise less revenue from property taxes than the previous year's budget;
or

(C) required language as set forth herein describing an adopted budget that will raise the same amount of revenue from property taxes as the previous year's budget;

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including the property tax rate, the effective tax rate, the effective maintenance and operations tax rate, the rollback tax rate, and the debt rate; and

(4) the total amount of bonds and other debt obligations owed by the county.

SECTION 8. Amends Section 111.069, Local Government Code, as follows:

Sec. 111.069. APPROVED BUDGET FILED WITH OFFICERS: POSTING ON INTERNET. (a) Creates this subsection from existing text. Requires the commissioners court to, on final approval of the budget by the court, file a copy of the budget with the county auditor and the county clerk and, if the county maintains an Internet website, take action to ensure that a copy of the budget, including the cover page, is posted on the website, and the record vote described by Section 111.068(d)(2) is posted on the website at least until the first anniversary of the date the budget is adopted.

(b) Requires the commissioners court to take action to ensure that the cover page of the budget is amended to include the property tax rates required by Section 111.068(c)(3) for the current fiscal year if the rates are not included on the cover page when the budget is filed with the county clerk. Requires the commissioners court to file an amended cover page with the county clerk and take action to ensure that the amended cover page is posted on the county's website.

SECTION 9. Provides that this Act applies only to a budget adopted for a fiscal year beginning on or after the effective date of this Act.

SECTION 10. Effective date: September 1, 2013.