

BILL ANALYSIS

H.B. 15
By: Swinford
Government Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Local Government Code requires the Office of the Governor to provide oversight of 24 regional planning commissions and their use and promotion of public funds.

HB 15 requires the governor, with the technical assistance of the state auditor, to oversee the regional planning commissions.

RULEMAKING AUTHORITY

Rulemaking is expressly granted to the governor in SECTION 2 (Section 391.009, Local Government Code) of this bill.

ANALYSIS

SECTION 1. Amends the heading to Section 391.009, Local Government Code, to read as follows:

Sec. 391.009. ROLE OF STATE AUDITOR , GOVERNOR, AND STATE AGENCIES.

SECTION 2. Amends Section 319.009, Local Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes, rather than require, the governor, with the technical assistance of the state auditor, to draft and adopt certain provisions to protect the public interest and promote the efficient use of public funds.

(a-1) Authorizes the governor to draft and adopt rules under Subsection (a) using negotiated rulemaking authority procedures under Chapter 2008 (Negotiated Rulemaking), Government Code.

(a-2) Requires the state auditor's office to assist the governor as provided by Subsection (a), based on a risk assessment performed by the state auditor and subject to the legislative audit committee's approval for inclusion in the plan under Section 321.013, (Powers and Duties of State Auditor), Government Code.

SECTION 3. Amends Section 391.0095, Local Government Code, as follows:

(a) Requires the audit and reporting requirements under Section 391.009(a) to include a requirement that the regional planning commissions (commission) annually report to the state auditor, rather than the governor.

(b) Authorizes the annual audit of a commission to be commissioned by the commission or at the direction of the governor's office, as determined by the governor's office, and requires it be paid for from the commission's fund.

(c) Requires a commission to submit any other report or an audit to the state auditor and to the governor.

(d) Requires the state auditor, if a commission fails to submit a report or audit report or audit required under this section or is determined by the state auditor, rather than governor, to have failed to comply with rule, requirement, or guideline adopted under section 391.009, to report the failure to the governor's office.

(e) Authorizes, rather than requires, the state auditor, to review each audit and report, subject to a risk assessment performed by the state auditor and to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code. Requires, if the state auditor reviews an audit or report, the state auditor to be given access to working papers and other support documentation that the state auditor determines is necessary to perform the review.

SECTION 4. Amends Section 391.0117(e), Local Government Code, to require the state auditor to report the recommendations to the governor's office, if the state auditor, subject to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code, has recommendations to improve a commission's salary schedule or a portion of the schedule. Prohibits the governor's office from allowing the portion of the schedule for which the state auditor has recommendations to go into effect until revisions or explanations are given that are satisfactory to the governor based on recommendations from the state auditor, rather than until the governor approves that portion of the schedule. Makes a conforming change.

SECTION 5. Provides that on the effective date of this Act, a rule, requirement, or guideline adopted by the governor relating to the oversight of regional planning commissions remains in effect until amended or repealed by the governor.

SECTION 6. Effective date.

EFFECTIVE DATE

This Act takes effect December 1, 2003.