

BILL ANALYSIS

H.B. 7
By: Swinford
Government Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B. 7 contains provisions reported favorably from the House Committee on Government Reform that were passed on second and/or third reading during the 2nd Called Session of the 78th Legislature. These provisions include repealing the criminal penalty if the governor does not have a budget prepared by the statutory deadline, requirements that state agencies offset costs associated with capital expenditures through savings associated with energy efficiency plans, and language that would alter the qualifications of the Commissioner of Insurance.

These purpose of H.B. 7 is to implement a variety of recommendations for cost savings, streamlining of government, and reorganization of certain agencies.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is transferred from the Texas Commission on Private Security to the Texas Private Security Board or the Texas Department of Health in SECTION 9.08 of this bill. Rulemaking authority is expressly granted to the governor in SECTION 10.02 (Section 391.009, Local Government Code). Rulemaking authority previously granted to the Texas Board of Pardons and Paroles Policy Board is transferred to the Texas Board of Pardons and Paroles and its presiding officer in SECTION 12.01 (Section 492.0131, Government Code) of this bill. Rulemaking authority is expressly granted to the Texas Board of Pardons and Paroles in SECTION 12.07 (Section 508.036, Government Code). Rulemaking authority previously granted to the Texas Board of Pardons and Paroles Policy Board is transferred to the Texas Board of Pardons and Paroles in SECTIONS 12.12 (Section 508.0441, Government Code) and SECTION 12.16 (Section 508.082, Government Code) of this bill.

ANALYSIS

Article 1 changes the date by which the governor is required by law to deliver budget recommendations. Current statute requires the budget be delivered to each member of the legislature by the sixth day of the regular legislative session. The requirement would now be prior to the state of the state address. Article 1 also repeals the criminal penalty associated with the governor not delivering budget recommendations by the stated deadline. Article 1 also contains a provision that would amend Rider 11 of the General Appropriations Act from the 78th Legislature.

Article 2 defines unclaimed wages, and allows them to be returned to the Comptroller of Public Accounts until such time as they are claimed.

Article 3 amends the Property Code to provide that property distributable from the demutualization, rehabilitation, or reorganization of an insurance company is presumed abandoned on the first anniversary of the date it becomes distributable under certain conditions. H.B. 7 makes these funds reportable and due sooner and may result in additional funds to general revenue.

Article 4 authorizes the Legislative Budget Board to meet by teleconference, if the chairman and vice chairman are present. It also requires that all open meetings procedures be followed.

Article 5 establishes a pilot program for fuel efficiency in state fleets in coordination with TxDOT and the State Energy Conservation Office, and requires state agencies to offset capital expenditures through energy saving contracts.

Article 6 relates to the governor's power to appoint presiding officers of certain state agencies. The bill also provides certain exemptions such as river authorities whose governing bodies are elected, and junior college districts.

Article 7 relates to the administration of the Legislative Budget Board, the Texas Legislative Council, the Legislative Audit Committee, and the Sunset Advisory Commission. The Speaker of the House and Lieutenant Governor would serve as joint chairs of the Legislative Council, the Legislative Budget Board, and the Legislative Audit Committee. Either of the chairs would be allowed to call a meeting, and would retain the powers previously specified for the Chair.

Article 8 repeals certain statutes that create outdated, burdensome, or redundant reporting requirements for the Texas Commission on Environmental Quality. Furthermore, a seven member study is created to study the permitting process at TCEQ. The committee would consist of three appointees of the Speaker of the House, three appointees of the Lieutenant Governor, and one public member to be appointed by the Governor.

Article 9 abolishes the Texas Commission on Private Security and transfers its duties to the Texas Department of Public Safety. It contains language that specifies that the Department of Health will administer the provision of certain alarm systems related to personal emergency response.

Article 10 addresses oversight of regional planning commissions. Responsibility for oversight would now be shared by the Office of the Governor and the Office of the State Auditor.

Article 11 changes the qualifications for an individual to serve as the Commissioner of Insurance. It reduces from 10 to 5 the required years of experience, and strikes the requirement that at least 5 years of the experience be in the field of insurance or insurance regulation.

Article 12 would create a seven member Texas Board of Pardons and Paroles lead by a presiding officer that would take the place of the current 18 member board as well as the separate policy board. The Texas Board of Pardons and Paroles will be required to employ parole commissioners and to require those commissioners to participate in panels along with TBPP members to determine release, conditions of parole, and modification and withdrawal of mandatory supervision.

Article 13 Effective date.

EFFECTIVE DATE

Except as provided by specific sections of the Act, the Act takes effect on the 91st day after the last day of the legislative session.