

By: Guillen

H.B. No. 326

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the reporting requirements of, and certain unfunded  
3 mandates related to the functions of, a state agency that is  
4 undergoing review by the Sunset Advisory Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 325, Government Code, is amended by  
7 adding Section 325.0075 to read as follows:

8 Sec. 325.0075. REPORTING REQUIREMENTS OF AGENCY BEING  
9 REVIEWED. Before September 1 of the odd-numbered year before the  
10 year in which a state agency subject to this chapter is abolished,  
11 the agency shall submit to the commission, the governor, the  
12 lieutenant governor, and each member of the legislature a report  
13 that:

14 (1) lists each report that the agency is required by a  
15 statute to prepare; and

16 (2) evaluates the need for each report listed in  
17 Subdivision (1) based on whether factors or conditions have changed  
18 since the date the statutory requirement to prepare the report was  
19 enacted.

20 SECTION 2. Section 320.004, Government Code, is amended to  
21 read as follows:

22 Sec. 320.004. REVIEW OF UNFUNDED MANDATES. (a) The Sunset  
23 Advisory Commission in performing a review of a state agency whose  
24 functions affect political subdivisions may [~~Before September 1 of~~

1 ~~the even-numbered year before the third anniversary of the date of~~  
2 ~~enactment of a mandate identified by the interagency work group~~  
3 ~~under Section 320.003, the interagency work group shall]:~~

4 (1) review the legislative history of any ~~[the]~~  
5 mandate related to the functions of the state agency being  
6 reviewed;

7 (2) conduct an evaluation on the benefits of the  
8 mandate and the costs of the mandate on affected political  
9 subdivisions; and

10 (3) include any information gathered under this  
11 section in the report required under Section 325.010 ~~[present a~~  
12 ~~written report to the legislature and the governor on the~~  
13 ~~interagency work group's findings].~~

14 (b) During a review of a state agency, a political  
15 subdivision affected by a mandate related to the functions of the  
16 agency may present information to the commission regarding the  
17 mandate and costs associated with the mandate and may recommend  
18 changes to current law that may provide more efficient use of  
19 resources.

20 (c) A political subdivision may periodically review each  
21 mandate to which the political subdivision is subject and recommend  
22 changes for making an activity or measure more efficient, including  
23 elimination of ~~[the regular session immediately following the~~  
24 ~~issuance of a report under Subsection (a), the legislature by law~~  
25 ~~may continue the mandate for a period not to exceed three years, by~~  
26 ~~law may repeal the mandate, or may take no action on]~~ the mandate,  
27 to the governor, the lieutenant governor, the speaker of the house

1 of representatives, the Senate Finance Committee, the House  
2 Appropriations Committee, and the Sunset Advisory Commission.

3 SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2011.