

By: Callegari

H.B. No. 3684

A BILL TO BE ENTITLED

1 AN ACT
2 relating to evaluating and providing for efficient government
3 resource allocation.

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

5 SECTION 1. Section 107.002, Civil Practice and Remedies
6 Code, is amended by adding Subsection (c) to read as follows:

7 (c) A resolution granting permission to sue must be
8 accompanied by a fiscal note under Chapter 314, Government Code.

9 SECTION 2. Section 314.001, Government Code, is amended to
10 read as follows:

11 Sec. 314.001. SYSTEM OF FISCAL NOTES. The Legislative
12 Budget Board shall establish a system of fiscal notes identifying
13 the probable costs of each bill or resolution, including a joint
14 resolution or concurrent resolution, that authorizes or requires
15 the expenditure or diversion of state funds for a purpose other than
16 one provided for in the general appropriations bill.

17 SECTION 3. Section 315.004(a), Government Code, is amended
18 to read as follows:

19 (a) At the request of the lieutenant governor or speaker of
20 the house of representatives, a state agency shall prepare an
21 economic impact statement for any pending bill, concurrent
22 resolution, or joint resolution that directly affects that agency.
23 Preparation of the statement shall be coordinated through the
24 Legislative Budget Board director.

1 SECTION 4. Section 320.001, Government Code, is amended to
2 read as follows:

3 Sec. 320.001. DEFINITION. In this chapter, "mandate" means
4 a requirement or a restriction made by a statute enacted by the
5 legislature or a rule enacted by a state agency [~~on or after January~~
6 ~~1, 1997,~~] that requires a political subdivision to establish,
7 expand, or modify an activity in a way that requires the expenditure
8 of revenue by the political subdivision that would not have been
9 required in the absence of the [~~statutory~~] provision. "Mandate" may
10 include a required report but does not include a provision of
11 additional flexibility in allocating resources.

12 SECTION 5. Section 320.004, Government Code, is amended to
13 read as follows:

14 Sec. 320.004. REVIEW OF UNFUNDED MANDATES. (a) The Sunset
15 Advisory Commission may, in reviewing a state agency that affects
16 political subdivisions [~~Before September 1 of the even-numbered~~
17 ~~year before the third anniversary of the date of enactment of a~~
18 ~~mandate identified by the interagency work group under Section~~
19 ~~320.003, the interagency work group shall~~]:

20 (1) review the legislative history of any [~~the~~]
21 mandate;

22 (2) conduct an evaluation on the benefits of the
23 mandate and the costs of the mandate on affected political
24 subdivisions; and

25 (3) include the information in the commission's report
26 under Sec. 325.010 [~~present a written report to the legislature and~~
27 ~~the governor on the interagency work group's findings~~].

1 (b) During the review of a state agency, an affected
2 political subdivision may present information to the commission
3 regarding mandates and costs and may recommend statutory or rule
4 changes to provide for more efficient use of resources.

5 (c) A political subdivision may periodically review
6 mandates and may address efficiency measures and operations,
7 including recommendations for elimination of mandates. [~~During the~~
8 ~~regular session immediately following the issuance of a report~~
9 ~~under Subsection (a), the legislature by law may continue the~~
10 ~~mandate for a period not to exceed three years, by law may repeal~~
11 ~~the mandate, or may take no action on the mandate.~~]

12 SECTION 6. Section 2001.024, Government Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) A fiscal note under Subsection (a) that affects a
15 political subdivision may include a statement that evaluates
16 whether the proposed rule creates an additional requirement or
17 restriction on the political subdivision and, if so, whether any
18 additional time or expenditures will be required.

19 SECTION 7. The following provisions are repealed:

- 20 (1) Section 320.003, Government Code;
21 (2) Section 2056.011, Government Code;
22 (3) Section 303.004, Labor Code;
23 (4) Section 240.903, Local Government Code; and
24 (5) Section 1951.212, Occupations Code.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.