

1-1 By: Shapiro, Carona, Birdwell S.B. No. 202  
1-2 (In the Senate - Filed November 10, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Administration;  
1-4 April 4, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0, 1 present not  
1-6 voting; April 4, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 202 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to achievement benchmarks in fiscal notes and to  
1-11 legislative review of those benchmarks.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 314, Government Code, is amended by  
1-14 adding Section 314.006 to read as follows:

1-15 Sec. 314.006. PURPOSE STATEMENT AND BENCHMARKS;  
1-16 LEGISLATIVE REVIEW. (a) The Legislative Budget Board shall  
1-17 include in any fiscal note attached to a bill that authorizes or  
1-18 requires the expenditure or diversion of state funds:

1-19 (1) a statement of the purposes of the bill; and

1-20 (2) a set of reasonable benchmarks that provide a  
1-21 mechanism for measuring whether and to what degree the bill's  
1-22 purposes have been achieved.

1-23 (b) In preparing the statement and benchmarks under  
1-24 Subsection (a), the board shall coordinate with the primary author  
1-25 of the bill to determine the purposes of the bill and to set  
1-26 reasonable benchmarks. The board shall begin coordinating with the  
1-27 primary author of the bill immediately following the author's  
1-28 request for a hearing on the bill.

1-29 (c) Before the first day of the third regular legislative  
1-30 session after a bill subject to this section becomes law, the board  
1-31 shall evaluate whether the benchmarks required under Subsection (a)  
1-32 have been met and shall provide to the lieutenant governor, the  
1-33 speaker of the house of representatives, the Senate Finance  
1-34 Committee, and the House Appropriations Committee a report on the  
1-35 board's findings regarding each bill subject to review under this  
1-36 section.

1-37 (d) If the report submitted under Subsection (c) indicates  
1-38 that the board finds a benchmark has not been met, the Senate  
1-39 Finance Committee and the House Appropriations Committee shall  
1-40 review the statutes enacted or amended by the bill to determine  
1-41 whether:

1-42 (1) additional expenditure or diversion of state funds  
1-43 should be made to fund the purposes of the bill; or

1-44 (2) the statutes enacted or amended by the bill should  
1-45 be repealed or amended.

1-46 (e) Immediately after submitting the report under  
1-47 Subsection (c), the board shall provide notice to the primary  
1-48 author of a bill the benchmarks of which the board has determined  
1-49 have not been met that the statutes enacted or amended by the bill  
1-50 will be reviewed by the Senate Finance Committee and the House  
1-51 Appropriations Committee.

1-52 (f) The board shall implement this section from available  
1-53 funds that may be used for that purpose. The board shall reduce  
1-54 other programs to the extent necessary to implement this section  
1-55 without receiving additional appropriations for this purpose.

1-56 SECTION 2. This Act applies only to bills filed on or after  
1-57 September 1, 2011.

1-58 SECTION 3. This Act takes effect September 1, 2011.

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