

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 24 2011

Atty. Gen.
Secretary of the Senate

By: Zufirin

H.B. No. 326

Substitute the following for H.B. No. 326:

By: Nelson

C.S. H .B. No. 326

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1 AN ACT

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3 undergoing review by the Sunset Advisory Commission.

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

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

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

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

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

19 SECTION 2. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas
22 Constitution. If this Act does not receive the vote necessary
23 for immediate effect, this Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB326 by Guillen (Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require a that state agency, before September 1 of the odd-numbered year before the year in which a state agency subject to Sunset review is abolished, to submit to the Sunset Advisory Commission, the governor, the lieutenant governor, and each member of the legislature a report that lists each report that the agency is required by a statute to prepare and evaluates the need for each of the reports based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, KM, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB326 by Guillen (Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require a that state agency, before September 1 of the odd-numbered year before the year in which a state agency subject to Sunset review is abolished, to submit to the Sunset Advisory Commission, the governor, the lieutenant governor, and each member of the legislature a report that lists each report that the agency is required by a statute to prepare and evaluates the need for each of the reports based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KM, KJG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB326 by Guillen (Relating to the reporting requirements of, and certain unfunded mandates related to the functions of, a state agency that is undergoing review by the Sunset Advisory Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require a that state agency, before September 1 of the odd-numbered year before the year in which a state agency subject to Sunset review is abolished, to submit to the Sunset Advisory Commission, the governor, the lieutenant governor, and each member of the legislature a report that lists each report that the agency is required by a statute to prepare and evaluates the need for each of the reports based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted.

The bill also would require Sunset review of "unfunded mandates" that affect political subdivisions.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KM, KJG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 28, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB326 by Guillen (Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG