

SENATE AMENDMENTS

2nd Printing

By: Shelton, Kolkhorst, Schwertner, Zerwas,
Creighton, et al.

H.B. No. 335

A BILL TO BE ENTITLED

AN ACT

relating to implementation and requirements of certain health care reform laws.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.021 to read as follows:

Sec. 322.021. MANDATORY HEALTH CARE REFORM REPORTS FROM STATE AGENCIES. (a) In this section, "state agency" has the meaning assigned by Section 2056.001.

(b) A state agency may not implement a provision of a federal health care reform law described by Subsection (c) unless the state agency submits a report described by Subsection (d) to:

(1) the board;

(2) the governor;

(3) the lieutenant governor;

(4) the speaker of the house of representatives; and

(5) the appropriate standing legislative committees

having jurisdiction over issues relating to health care reform.

(c) A state agency must submit a report described by Subsection (d) of an expenditure incurred in implementing a provision of a federal health care reform law if:

(1) the provision:

(A) requires a person to purchase health insurance or similar health coverage;

1 (B) requires an employer to provide health
2 insurance or similar health coverage to or for employees;

3 (C) imposes a penalty on an employer who does not
4 provide health insurance or similar health coverage to or for
5 employees;

6 (D) expands eligibility for the state Medicaid
7 program or state child health plan program;

8 (E) creates a health insurance coverage mandate
9 affecting a person; or

10 (F) creates a new health insurance or similar
11 health coverage program that is administered by this state or a
12 political subdivision of this state; or

13 (2) the board, in the exercise of the board's duties
14 under this chapter, determines that a report about the expenditure
15 is necessary to a comprehensive and continuing review of a program
16 or operation of a state agency.

17 (d) A report required under Subsection (b) must:

18 (1) cite the specific federal statute or regulation
19 that requires the state to implement the provision;

20 (2) state whether the provision requires or allows a
21 state waiver or option;

22 (3) describe the state action required to implement
23 the provision;

24 (4) identify the individuals, legal entities, and
25 state agencies that may be impacted by the implementation of or
26 refusal to implement the provision; and

27 (5) estimate the cost to be incurred by the state to

1 implement the provision.

2 SECTION 2. This Act takes effect September 1, 2011.

FLOOR AMENDMENT NO. 1

BY:

Robbie Ellis

1 Amend H.B. No. 335 (senate committee printing) in SECTION 1
2 of the bill, in added Section 322.021(b), Government Code (page
3 1, lines 16 - 18), by striking "may not implement a provision of
4 a federal health care reform law described by Subsection (c)
5 unless the state agency submits" and substituting "^{shall}~~must~~ submit".

ADOPTED

MAY 24 2011

Arlene Drew
Secretary of the Senate

Allen

MAY 24 2011

Amend H.B. 335 as follows:

Atty. Gen.
Secretary of the Senate

(1) In SECTION 1 of the bill, in added Section 322.021(c) of the Government Code (Committee Printing page 1, line 26), between "expenditure" and "incurred", by inserting "and revenue".

(2) In SECTION 1 of the bill, in added Section 322.021(d)(4) of the Government Code (Committee Printing page 1, lines 56) by striking "and".

(3) In SECTION 1 of the bill, in added Section 322.021(d)(5) of the Government Code (Committee Printing page 1, line 57), between "cost" and "to", by inserting "and savings".

(4) In SECTION 1 of the bill, in added Section 322.021(d)(5) of the Government Code (Committee Printing page 1, line 58), by striking the period and inserting "; and".

(5) In SECTION 1 of the bill, in added Section 322.021(d) of the Government Code (Committee Printing page 1, between lines 59 and 60) by inserting the following new subdivisions:

(6) describe the amount of federal funding the agency uses to fund agency operations, including each federal program from which the agency receives or is eligible to receive federal funding; and

(7) describe the amounts of any increases in federal funding, including matching funds, that would be available to the agency if state funding for agency operations were increased.

ADOPTED

FLOOR AMENDMENT NO. 3

MAY 24 2011

BY:

Henry Spaw
Secretary of the Senate

Rodney Ellis

1 Amend H.B. No. 335 (senate committee printing) between
2 SECTIONS 1 and 2 of the bill (page 1, between lines 58 and 59)
3 by inserting the following appropriately numbered SECTION and
4 renumbering the subsequent SECTION accordingly:

5 SECTION _____. The changes in law made by Section 322.021,
6 Government Code, as added by this Act, apply only to a provision
7 of federal health care reform law implemented by a state agency
8 on or after the effective date of this Act. A provision of
9 federal health care reform law implemented by a state agency
10 before the effective date of this Act is governed by the law as
11 it existed immediately before the effective date of this Act,
12 and that law is continued in effect for that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

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

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

IN RE: **HB335** by Shelton (Relating to implementation and requirements of certain health care reform laws.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would add a section to Chapter 322 of the Government Code to require state agencies to submit a report to the Legislative Budget Board, Governor, Lieutenant Governor, Speaker of the House, and standing legislative committees with jurisdiction over issues relating to health care reform if the agency incurs an expenditure or savings due to a provision of a federal health care reform law under circumstances identified in the bill, or if the Legislative Budget Board determines that a report about the expenditure is necessary to a comprehensive and continuing review of a program or operation of a state agency. The report would be required only on provisions of the federal health care reform law implemented on or after the effective date of the Act. If enacted, the bill would take effect on September 1, 2011.

Agencies indicate that the report required by the bill could be done with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 529 Health and Human Services Commission, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JOB, CL, LI, KM, MH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: HB335 by Shelton (Relating to implementation and requirements of certain health care reform laws.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would add a section to Chapter 322 of the Government Code to require state agencies to submit a report to the Legislative Budget Board, Governor, Lieutenant Governor, Speaker of the House, and standing legislative committees with jurisdiction over issues relating to health care reform before implementing a provision of a federal health care reform law if the agency incurs an expenditure under circumstances identified in the bill, or if the Legislative Budget Board determines that a report about the expenditure is necessary to a comprehensive and continuing review of a program or operation of a state agency. If enacted, the bill would take effect on September 1, 2011.

Agencies indicate that the report required by the bill could be done with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 529 Health and Human Services Commission, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JOB, CL, LI, KM, MH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 14, 2011

TO: Honorable Brandon Creighton, Chair, House Committee on State Sovereignty, Select

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

IN RE: HB335 by Shelton (Relating to implementation and requirements of certain health care reform laws.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add a section to Chapter 322 of the Government Code to require state agencies to submit a report to the Legislative Budget Board before implementing a provision of a federal health care reform law if the agency incurs an expenditure under circumstances identified in the bill, or if the Legislative Budget Board determines that a report about the expenditure is necessary to a comprehensive and continuing review of a program or operation of a state agency. If enacted, the bill would take effect on September 1, 2011.

Agencies indicate that the report required by this legislation could be done with existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 529 Health and Human Services Commission, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

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