

By: Simmons

H.B. No. 3978

A BILL TO BE ENTITLED

AN ACT

relating to limitations on training and education for state agency administrators and employees.

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

SECTION 1. Section 656.043, Government Code, is amended to read as follows:

Sec. 656.043. DEFINITION. In this subchapter, "state agency" means a department, agency, or institution of the executive, legislative, or judicial branch of [this] state government, including an institution of higher education as defined by Section 61.003, Education Code, the office of the lieutenant governor, the office of the speaker of the house of representatives, and the office of each member of the senate and house of representatives.

SECTION 2. Section 656.044, Government Code, is amended to read as follows:

Sec. 656.044. PUBLIC FUNDS FOR TRAINING AND EDUCATION. (a) A state agency may use public funds to provide training and education for its administrators and employees. The training or education must be related to the mission of the agency and the duties or prospective duties of the administrator or employee.

(b) Public funds may be spent to provide education only for state agency administrators and employees who are paid annually by the state a salary or total hourly wages in an amount that does not

1 exceed \$110,000.

2 SECTION 3. Section 656.047, Government Code, is amended to  
3 read as follows:

4 Sec. 656.047. PAYMENT OF PROGRAM EXPENSES. (a) Except as  
5 provided by this section or other law, a [A] state agency may spend  
6 public funds as appropriate to pay the salary, tuition and other  
7 fees, travel and living expenses, training stipend, expense of  
8 training materials, and other necessary expenses of an instructor,  
9 student, or other participant in a training or education program.

10 (b) For an administrator or employee of a state agency who  
11 is enrolled in an associate, baccalaureate, graduate,  
12 postgraduate, or professional degree education program for which  
13 the administrator or employee seeks reimbursement from this state,  
14 the agency may not reimburse tuition expenses unless the courses  
15 are credited toward a degree education program at an institution of  
16 higher education, as defined by Section 61.003, Education Code.

17 (c) For tuition expenses authorized under Subsection (b), a  
18 state agency may only pay an amount not to exceed 50 percent of the  
19 tuition expenses for each course successfully completed by the  
20 administrator or employee. The administrator or employee must earn  
21 a grade point average of at least 3.0 on a four-point scale or the  
22 equivalent for the course.

23 (d) A state agency may not pay tuition expenses authorized  
24 under Subsection (b) for more than one associate, baccalaureate,  
25 graduate, postgraduate, or professional degree education program  
26 for an administrator or employee of the agency.

27 (e) A state agency may not pay, with respect to an education

1 program for which tuition reimbursement is authorized under  
2 Subsection (b), any other expense, including associated fees,  
3 travel and living expenses, books, and materials, incurred by the  
4 state agency administrator or employee.

5 (f) Subsection (b) does not authorize a state agency to pay  
6 the tuition expenses of an elected officer, as defined by Section  
7 572.002, or a former elected officer.

8 SECTION 4. Section 656.048, Government Code, is amended by  
9 adding Subsection (b) to read as follows:

10 (b) A state agency shall adopt rules requiring that before  
11 an administrator or employee of the agency may be reimbursed for  
12 tuition expenses under Section 656.047(b):

13 (1) the executive director or executive head of the  
14 agency sign a statement authorizing the tuition payment; and

15 (2) the administrator or employee sign a statement  
16 agreeing to:

17 (A) work for the agency for not less than three  
18 years from the date the course for which tuition is reimbursed is  
19 completed, unless the administrator's or employee's position is  
20 eliminated under a reduction in force; or

21 (B) if the administrator or employee does not  
22 fulfill the requirement of Paragraph (A), repay the agency an  
23 amount equal to the amount the agency paid for the administrator's  
24 or employee's tuition expenses plus five percent interest  
25 compounded annually until that amount is repaid.

26 SECTION 5. Section 656.101, Government Code, is amended to  
27 read as follows:

1           Sec. 656.101. DEFINITIONS. In this subchapter:

2                   (1) "State agency" has the meaning assigned by Section  
3 656.043.

4                   (1-a) "State [and "state] employee" has the meaning  
5 [have the meanings] assigned by Section 572.002 [except that the  
6 terms do not include a river authority or an employee of a river  
7 authority].

8                   (2) "Training" means instruction, teaching, or other  
9 education received by a state employee that is not normally  
10 received by other state employees and that is designed to enhance  
11 the ability of the employee to perform the employee's job. The term  
12 includes a course of study at an institution of higher education [~~or~~  
13 ~~a private or independent institution of higher education]~~ as  
14 defined by Section 61.003, Education Code, if the employing state  
15 agency spends money to assist the state employee to meet the expense  
16 of the course of study or pays salary to the employee to undertake  
17 the course of study as an assigned duty. The term does not include a  
18 course of study at a private or independent institution of higher  
19 education as defined by Section 61.003, Education Code, a degree  
20 education program for which reimbursement of tuition expenses is  
21 authorized under Section 656.047(b), or training required either by  
22 state or federal law or that is determined necessary by the agency  
23 and offered to all employees of the agency performing similar jobs.

24           SECTION 6. Section 656.102, Government Code, is amended to  
25 read as follows:

26           Sec. 656.102. AGENCY POLICY. Before a state agency spends  
27 any money on training for a state employee, the state agency must

1 adopt a policy governing the training of employees, in addition to  
2 the rules required by Section 656.048, that requires training to  
3 relate to the mission of the agency and to an employee's duties  
4 following the training.

5 SECTION 7. The changes in law made by this Act apply only to  
6 training and education expenses paid by a state agency on or after  
7 the effective date of this Act.

8 SECTION 8. This Act takes effect September 1, 2015.