By:  Zerwas (Senate Sponsor - Nelson) H.B. No. 4309

(In the Senate - Received from the House May 6, 2019; May 7, 2019, read first time and referred to Committee on Business & Commerce; May 20, 2019, reported favorably by the following vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain functions relating to state employee leave from the state auditor to the comptroller.

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

SECTION 1.  Section 661.151, Government Code, is amended to read as follows:

Sec. 661.151.  COMPTROLLER [~~STATE AUDITOR~~] INTERPRETATION. (a) The comptroller [~~state auditor~~] shall provide a uniform interpretation of this chapter [~~subchapter and Subchapters G and Z~~].

(b)  The comptroller [~~state auditor~~] shall report to the governor and the legislature any state agency or institution of higher education that practices exceptions to those laws.

SECTION 2.  Section 661.202(j), Government Code, is amended to read as follows:

(j)  A state agency shall maintain a written statement covering the policies and procedures for an extension of leave under Subsection (i) and shall make the statement available to all agency employees. The state agency shall provide a copy of the statement to the comptroller [~~state auditor~~] on request.

SECTION 3.  Section 661.9041(c), Government Code, is amended to read as follows:

(c)  The comptroller [~~state auditor~~] shall adopt guidelines to assist state agencies in determining the amount of emergency leave to grant to an employee under this section as differential pay.

SECTION 4.  Section 661.923(c), Government Code, is amended to read as follows:

(c)  Not later than the last day of each quarter of a state fiscal year, an agency shall submit a report to the comptroller's [~~state auditor's~~] office and the Legislative Budget Board that includes the name of each agency employee described by Subsection (a)(1) who has been granted 168 hours or more of leave under this section during that fiscal quarter. The report must include, for each employee, a brief statement as to the reason the employee remains on leave.

SECTION 5.  (a) Not later than September 10, 2019, the following are transferred from the state auditor to the comptroller of public accounts:

(1)  the powers and duties of the state auditor relating to leave for state employees under Chapter 661, Government Code; and

(2)  all property and records in the custody of the state auditor that are related to a power or duty transferred under this subsection and all funds appropriated by the legislature for that power or duty.

(b)  A rule, form, policy, procedure, or decision of the state auditor that is related to a power or duty described by Subsection (a) of this section continues in effect as a rule, form, policy, procedure, or decision of the comptroller of public accounts until superseded by an act of the comptroller of public accounts.

(c)  A reference in law or administrative rule to the state auditor that relates to a power or duty transferred under Subsection (a) of this section means the comptroller of public accounts.

SECTION 6.  As soon as practicable after the effective date of this Act, but not later than September 10, 2019, the state auditor and the comptroller of public accounts shall enter into a memorandum of understanding that:

(1)  identifies in detail the applicable powers and duties that are transferred by this Act; and

(2)  establishes a plan for the identification and transfer of the records, property, and unspent appropriations of the state auditor that are used for purposes of the state auditor's powers and duties that are transferred by this Act.

SECTION 7.  This Act takes effect September 1, 2019.

\* \* \* \* \*