

By: Bonnen

H.B. No. 3997

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 H~~].

(b) The comptroller [~~state auditor~~] shall report to the governor and the legislature any state agency or institution of higher education that practices an exception under this chapter [~~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

1 to assist state agencies in determining the amount of emergency  
2 leave to grant to an employee under this section as differential  
3 pay.

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

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

14 SECTION 5. (a) Not later than September 10, 2021, the  
15 following are transferred from the state auditor to the comptroller  
16 of public accounts:

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

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

24 (b) A rule, form, policy, procedure, or decision of the  
25 state auditor that is related to a power or duty described by  
26 Subsection (a) of this section continues in effect as a rule, form,  
27 policy, procedure, or decision of the comptroller of public

1 accounts until superseded by an act of the comptroller of public  
2 accounts.

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

7 SECTION 6. As soon as practicable after the effective date  
8 of this Act, but not later than September 10, 2021, the state  
9 auditor and the comptroller of public accounts shall enter into a  
10 memorandum of understanding that:

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

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

17 SECTION 7. This Act takes effect September 1, 2021.