

BILL ANALYSIS

Senate Research Center

H.B. 326
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Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a state agency being reviewed by the Sunset Advisory Commission (commission) is not required to submit a report to the governor, lieutenant governor, or members of the legislature relating to sunset issues. Such agencies are required to submit a report to the commission, and that report contains only the information that addresses the application to the agency.

H.B. 326 expands the reporting requirement for state agencies undergoing sunset review by requiring each agency submitting a report to the commission to submit its report also to the governor, lieutenant governor, and members of the legislature and by requiring that report to include a list of each agency report required by statute and an evaluation of the need for each report.

H.B. 326 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 325, Government Code, by adding Section 325.0075, as follows:

Sec. 325.0075. Requires the agency, before September 1 of the odd-numbered year before the year in which a state agency subject to this chapter is abolished, to submit to the Sunset Advisory Commission (commission), the governor, the lieutenant governor, and each member of the legislature a report that:

- (1) lists each report that the agency is required by statute to prepare; and
- (2) evaluates the need for each report listed in Subdivision (1) based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted.

SECTION 2. Amends Section 320.004, Government Code, as follows:

Sec. 320.004. **REVIEW OF UNFUNDED MANDATES.** (a) Authorizes the commission in performing a review of a state agency whose functions affect political subdivisions to:

- (1) review the legislative history of any mandate related to the functions of the state agency being reviewed;
- (2) conduct an evaluation on the benefits of the mandate and the costs of the mandate on affected political subdivisions; and

(3) include any information gathered under this section in the report required under Section 325.010 (Commission Report).

Deletes existing text requiring the interagency work group, before September 1 of the even-numbered year before the third anniversary of the date of enactment of a mandate indentified by the interagency work group under Section 320.003 (List of Unfunded Mandates) to review the legislative history of the mandate; conduct an evaluation on the benefits of the mandate and the costs of the mandate on affected political subdivisions; and present a written report to the legislature and the governor on the interagency work group's findings.

(b) Authorizes a political subdivision affected by a mandate related to the functions of a state agency, during a review of the agency, to present information to the commission regarding the mandate and costs associated with the mandate and to recommend changes to current law that may provide more efficient use of resources.

(c) Authorizes a political subdivision to periodically review each mandate to which the political subdivision is subject and recommend changes for making an activity or measure more efficient, including elimination of the mandate, to the governor, the lieutenant governor, the speaker of the house of representatives, the Senate Finance Committee, the House Appropriations Committee, and the commission. Deletes existing text authorizing the legislature by law, during the regular session immediately following the issuance of a report under Subsection (a), to continue to mandate for a period not to exceed three years, to by law repeal the mandate, or to take no action on the mandate.

SECTION 3. Effective date: upon passage or September 1, 2011.