

BILL ANALYSIS

Senate Research Center

S.B. 1252
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1252 seeks to heighten the transparency and accountability measures that directly impact taxpayers.

Currently, no fiscal note is required if a concurrent resolution, for example, directs an agency to conduct a task. S.B. 1252 requires a fiscal note on a concurrent resolution that authorizes an expenditure or grants permission to sue the state. This is important so that legislators know what the fiscal implications are prior to approving such measures.

Also, the Government Code, at one time, had an interagency work group to identify mandates and the implications they have on political subdivisions. Since that workgroup is now defunct, S.B. 1252 would allow the Sunset Advisory Commission, in its review of agencies that affect political subdivisions, to review any mandates, conduct a cost-benefit analysis, and include this information in its report. This provision would also allow political subdivisions to present information, recommend changes, and periodically review mandates and address efficiency measures. This bill also expands the definition of "mandate" to include restrictions as well as requirements.

As proposed, S.B. 1252 amends current law relating to evaluating and providing for efficient government resource allocation.

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 Section 107.002, Civil Practice and Remedies Code, by adding Subsection (c) to require that a resolution granting permission to sue be accompanied by a fiscal note under Chapter 314 (Fiscal Notes and Cost Projections), Government Code.

SECTION 2. Amends Section 314.001, Government Code, to require the Legislative Budget Board to establish a system of fiscal notes identifying the probable costs of each bill or resolution, including a joint resolution or concurrent resolution, that authorizes or requires the expenditure or diversion of state funds for a purpose other than one provided for in the general appropriations bill.

SECTION 3. Amends Section 315.004(a), Government Code, to require a state agency, at the request of the lieutenant governor or speaker of the house of representatives, to prepare an economic impact statement for any pending bill, concurrent resolution, or joint resolution that directly affects that agency.

SECTION 4. Amends Section 320.001, Government Code, to redefine "mandate."

SECTION 5. Amends Section 320.004, Government Code, as follows:

Sec. 320.004. REVIEW OF UNFUNDED MANDATES. (a) Requires the Sunset Advisory Commission (Sunset), in reviewing a state agency that affects political subdivisions, rather than to require the interagency work group, before September 1, of the even-numbered year before the third anniversary of the date of enactment of a mandate identified by the interagency work group under Section 320.003 (List of Unfunded Mandates), to:

(1) review the legislative history of any mandate, rather than review the mandate;

(2) conduct an evaluation on the benefits of the mandate and the costs of the mandate on affected political subdivisions; and

(3) include the information in the Sunset report under Section 325.010 (Commission Report), rather than present a written report to the legislature and the governor on the interagency work group's findings.

(b) Authorizes an affected political subdivision, during the review of a state agency, to present information to Sunset regarding mandates and costs and to recommend statutory or rule changes to provide for more efficient use of resources.

(c) Authorizes a political subdivision to periodically review mandates and to address efficiency measures and operations, including recommendations for elimination of mandates.

Deletes existing Subsection (b) authorizing the legislature during the regular session immediately following the issuance of a report under Subsection (a), to by law continue the mandate for a period not to exceed three years, by law repeal the mandate, or take no action on the mandate.

SECTION 6. Amends Section 2001.024, Government Code, by adding Subsection (d) to authorize a fiscal note under Subsection (a) (relating to the notice of a proposed rule) that affects a political subdivision to include a statement that evaluates whether the proposed rule creates an additional requirement or restriction on the political subdivision and, if so, whether any additional time or expenditures will be required.

SECTION 7. Repealers: (1) Section 320.003 (List of Unfunded Mandates), Government Code;

(2) Section 2056.011 (Consolidated Public Junior and Community College Plan), Government Code;

(3) Section 303.004 (Fund Review), Labor Code;

(4) Section 240.903 (Preparation by Attorney General of List of County Authority), Local Government Code; and

(5) Section 1951.212 (Integrated Pest Management Programs for School Districts), Occupations Code.

SECTION 8. Effective date: upon passage or September 1, 2011.