

BILL ANALYSIS

Senate Research Center
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H.B. 4309
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4309 amends current law relating to the transfer of certain functions relating to state employee leave from the state auditor to the comptroller.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas state auditor is transferred to the comptroller of public accounts of the State of Texas in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 661.151, Government Code, as follows:

Sec. 661.151. New heading: COMPTROLLER INTERPRETATION. (a) Requires the comptroller of public accounts of the State of Texas (comptroller) to provide a uniform interpretation of this chapter (Leave), rather than requiring the Texas state auditor (state auditor) to provide a uniform interpretation of this subchapter (General Provisions For Vacation Leave For State Employees) and Subchapters G (General Provisions For Sick Leave For State Employees) and Z (Miscellaneous Leave Provisions For State Employees).

(b) Requires the comptroller, rather than the state auditor, to report to the governor and the legislature any state agency or institution of higher education that practices exceptions to those laws.

SECTION 2. Amends Section 661.202(j), Government Code, to require a state agency to provide a copy of a written statement covering the policies and procedures for a certain extension of leave to the comptroller, rather than the state auditor, on request.

SECTION 3. Amends Section 661.9041(c), Government Code, to require the comptroller, rather than the state auditor, to 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. Amends Section 661.923(c), Government Code, to require an agency, not later than the last day of each quarter of a state fiscal year, to submit a report to the comptroller's office, rather than the state auditor's office, and the Legislative Budget Board that includes the name of certain agency employees who have been granted 168 hours or more of leave under this section (Leave During Agency Investigation) during that fiscal quarter.

SECTION 5. (a) Provides that, not later than September 10, 2019, the following are transferred from the state auditor to the comptroller:

(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) Provides that 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 until superseded by an act of the comptroller.

(c) Provides that 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.

SECTION 6. Requires the state auditor and comptroller, as soon as practicable after the effective date of this Act, but not later than September 10, 2019, to 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. Effective date: September 1, 2019.