

1-1 By: Zerwas (Senate Sponsor - Nelson) H.B. No. 4309  
1-2 (In the Senate - Received from the House May 6, 2019;  
1-3 May 7, 2019, read first time and referred to Committee on Business  
1-4 & Commerce; May 20, 2019, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Hancock	X		
1-9	Nichols	X		
1-10	Campbell	X		
1-11	Creighton	X		
1-12	Menéndez	X		
1-13	Paxton	X		
1-14	Schwertner	X		
1-15	Whitmire	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the transfer of certain functions relating to state  
1-20 employee leave from the state auditor to the comptroller.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 661.151, Government Code, is amended to  
1-23 read as follows:

1-24 Sec. 661.151. COMPTROLLER ~~[STATE AUDITOR]~~ INTERPRETATION.

1-25 (a) The comptroller ~~[state auditor]~~ shall provide a uniform  
1-26 interpretation of this chapter ~~[subchapter and Subchapters C and~~  
1-27 ~~4]~~.

1-28 (b) The comptroller ~~[state auditor]~~ shall report to the  
1-29 governor and the legislature any state agency or institution of  
1-30 higher education that practices exceptions to those laws.

1-31 SECTION 2. Section 661.202(j), Government Code, is amended  
1-32 to read as follows:

1-33 (j) A state agency shall maintain a written statement  
1-34 covering the policies and procedures for an extension of leave  
1-35 under Subsection (i) and shall make the statement available to all  
1-36 agency employees. The state agency shall provide a copy of the  
1-37 statement to the comptroller ~~[state auditor]~~ on request.

1-38 SECTION 3. Section 661.9041(c), Government Code, is amended  
1-39 to read as follows:

1-40 (c) The comptroller ~~[state auditor]~~ shall adopt guidelines  
1-41 to assist state agencies in determining the amount of emergency  
1-42 leave to grant to an employee under this section as differential  
1-43 pay.

1-44 SECTION 4. Section 661.923(c), Government Code, is amended  
1-45 to read as follows:

1-46 (c) Not later than the last day of each quarter of a state  
1-47 fiscal year, an agency shall submit a report to the comptroller's  
1-48 ~~[state auditor's]~~ office and the Legislative Budget Board that  
1-49 includes the name of each agency employee described by Subsection  
1-50 (a)(1) who has been granted 168 hours or more of leave under this  
1-51 section during that fiscal quarter. The report must include, for  
1-52 each employee, a brief statement as to the reason the employee  
1-53 remains on leave.

1-54 SECTION 5. (a) Not later than September 10, 2019, the  
1-55 following are transferred from the state auditor to the comptroller  
1-56 of public accounts:

1-57 (1) the powers and duties of the state auditor  
1-58 relating to leave for state employees under Chapter 661, Government  
1-59 Code; and

1-60 (2) all property and records in the custody of the  
1-61 state auditor that are related to a power or duty transferred under

2-1 this subsection and all funds appropriated by the legislature for  
2-2 that power or duty.

2-3 (b) A rule, form, policy, procedure, or decision of the  
2-4 state auditor that is related to a power or duty described by  
2-5 Subsection (a) of this section continues in effect as a rule, form,  
2-6 policy, procedure, or decision of the comptroller of public  
2-7 accounts until superseded by an act of the comptroller of public  
2-8 accounts.

2-9 (c) A reference in law or administrative rule to the state  
2-10 auditor that relates to a power or duty transferred under  
2-11 Subsection (a) of this section means the comptroller of public  
2-12 accounts.

2-13 SECTION 6. As soon as practicable after the effective date  
2-14 of this Act, but not later than September 10, 2019, the state  
2-15 auditor and the comptroller of public accounts shall enter into a  
2-16 memorandum of understanding that:

2-17 (1) identifies in detail the applicable powers and  
2-18 duties that are transferred by this Act; and

2-19 (2) establishes a plan for the identification and  
2-20 transfer of the records, property, and unspent appropriations of  
2-21 the state auditor that are used for purposes of the state auditor's  
2-22 powers and duties that are transferred by this Act.

2-23 SECTION 7. This Act takes effect September 1, 2019.

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