

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 78th Legislature, Regular Session, 2003, That House Rule 13,  
3 Section 9(a) be suspended in part as provided by House Rule Section  
4 9(f) to enable the conference committee appointed to resolve the  
5 differences on House Bill No. 3442, relating to certain  
6 expenditures and charges of certain governmental entities, to  
7 consider and take action on the following matters:

8 (1) House Rule 13, Sections 9(a)(3) and (4), are suspended  
9 to permit the committee to add additional text not included in  
10 either the house or senate version of the bill, consisting of the  
11 following new section to read as follows:

12 SECTION 14. IMPOSITION OF CERTAIN FEES. (a) Subchapter B,  
13 Chapter 1052, Occupations Code, is amended by adding Section  
14 1052.0541 to read as follows:

15 Sec. 1052.0541. FEE INCREASE. (a) The fee for the issuance  
16 of a certificate of registration under this chapter and the fee for  
17 the renewal of a certificate of registration under this chapter is  
18 increased by \$200.

19 (b) Of each fee increase collected, \$50 shall be deposited  
20 in the foundation school fund and \$150 shall be deposited in the  
21 general revenue fund.

22 (b) Subchapter B, Chapter 1053, Occupations Code, is  
23 amended by adding Section 1053.0521 to read as follows:

24 Sec. 1053.0521. FEE INCREASE. (a) The fee for the issuance

1 of a certificate of registration under this chapter and the fee for  
2 the renewal of a certificate of registration under this chapter is  
3 increased by \$200.

4 (b) Of each fee increase collected, \$50 shall be deposited  
5 in the foundation school fund and \$150 shall be deposited in the  
6 general revenue fund.

7 (c) Subchapter D, Chapter 1071, Occupations Code, is  
8 amended by adding Section 1071.1521 to read as follows:

9 Sec. 1071.1521. FEE INCREASE. (a) The fee for the issuance  
10 of a certificate of registration to a registered professional land  
11 surveyor under this chapter and the fee for the renewal of a  
12 certificate of registration for a registered professional land  
13 surveyor under this chapter is increased by \$200.

14 (b) Of each fee increase collected, \$50 shall be deposited  
15 in the foundation school fund and \$150 shall be deposited in the  
16 general revenue fund.

17 (c) This section does not apply to state agency employees  
18 who are employed by the state as land surveyors.

19 (d) Subchapter B, Chapter 1152, Occupations Code, is  
20 amended by adding Section 1152.053 to read as follows:

21 Sec. 1152.053. FEE INCREASE. (a) The fee for the  
22 registration of a person under this chapter and the fee for the  
23 renewal of a registration under this chapter is increased by \$200.

24 (b) Of each fee increase collected, \$50 shall be deposited  
25 in the foundation school fund and \$150 shall be deposited in the  
26 general revenue fund.

27 (e) The change in law made by this section applies only to

1 the issuance or renewal of a certificate of registration under  
2 Chapter 1052, 1053, or 1071, Occupations Code, or the issuance or  
3 renewal of a registration under Chapter 1152, Occupations Code, on  
4 or after the effective date of this article. A certificate of  
5 registration or registration issued or renewed before the effective  
6 date of this section is governed by the law in effect on the date of  
7 the issuance or renewal, and the former law is continued in effect  
8 for that purpose.

9 Explanation: The added text is necessary to increase fees  
10 for landscape architects, interior designers, land surveyors, and  
11 property tax consultants by \$200, of which \$50 would be deposited in  
12 the foundation school fund and \$150 would be deposited in the  
13 general revenue fund.

14 (2) House Rule 13, Sections 9(a)(3) and (4), are suspended  
15 to permit the committee to add additional text not included in  
16 either the house or senate version of the bill, consisting of the  
17 following new section to read as follows:

18 SECTION 15. STATE AGENCY HUMAN RESOURCES STAFFING AND  
19 FUNCTIONS. (a) Subtitle B, Title 6, Government Code, is amended by  
20 adding Chapter 670 to read as follows:

21 CHAPTER 670. HUMAN RESOURCES STAFFING AND FUNCTIONS

22 Sec. 670.001. DEFINITIONS. In this chapter:

23 (1) "Human resources employee" does not include an  
24 employee whose primary job function is enforcement of Title VI or  
25 Title VII of the Civil Rights Act of 1964.

26 (2) "State agency" means a department, commission,  
27 board, office, authority, council, or other governmental entity in

1 the executive branch of government that is created by the  
2 constitution or a statute of this state and has authority not  
3 limited to a geographical portion of the state. The term does not  
4 include a university system or institution of higher education as  
5 defined by Section 61.003, Education Code.

6 Sec. 670.002. HUMAN RESOURCES STAFFING FOR LARGE STATE  
7 AGENCIES. A state agency with 500 or more full-time equivalent  
8 employees shall adjust the agency's human resources staff to  
9 achieve a human resources employee-to-staff ratio of not more than  
10 one human resources employee for every 85 staff members.

11 Sec. 670.003. HUMAN RESOURCES STAFFING FOR MEDIUM-SIZED AND  
12 SMALL STATE AGENCIES; OUTSOURCING. (a) The State Council on  
13 Competitive Government shall determine the cost-effectiveness of  
14 consolidating the human resources functions of or contracting with  
15 private entities to perform the human resources functions of state  
16 agencies that employ fewer than 500 full-time equivalent employees.

17 (b) If the council determines that contracting with private  
18 entities is cost-effective, the council shall issue a request for  
19 proposals for vendors to perform the human resources functions of  
20 the agencies.

21 (c) The council shall determine which human resources  
22 functions are subject to the contract and which functions the  
23 agency may select to perform itself.

24 (d) Each agency shall pay for the contracts for human  
25 resources functions out of the agency's human resources budget.

26 (b) Not later than January 1, 2004, each state agency with  
27 500 or more full-time equivalent employees shall comply with the

1 human resources employee-to-staff ratio requirements in Section  
2 670.002, Government Code, as added by this section.

3 (c) Not later than January 1, 2004, the State Council on  
4 Competitive Government shall conduct an initial feasibility study  
5 to determine the cost-effectiveness of consolidating the human  
6 resources functions of or contracting with private entities to  
7 perform human resources functions of state agencies under Section  
8 670.003, Government Code, as added by this section.

9 Explanation: The added text is necessary to restrict  
10 agencies with 500 or more full-time equivalent employees from  
11 having human resources staffing that exceeds one for each 85  
12 employees after January 1, 2004, and to allow for a feasibility  
13 study to determine the cost effectiveness of consolidating or  
14 contracting out for state agencies' human resources functions.

15 (3) House Rule 13, Sections 9(a)(3) and (4), are suspended  
16 to permit the committee to add additional text not included in  
17 either the house or senate version of the bill, consisting of the  
18 following new section to read as follows:

19 SECTION 16. AGENCY STAFFING AND PRODUCTIVITY. (a)  
20 Effective September 1, 2003, Section 651.004, Government Code, is  
21 amended by adding Subsections (c-1) and (d) to read as follows:

22 (c-1) A state agency in the executive branch of state  
23 government that employs more than 100 full-time equivalent  
24 employees may not, after March 31, 2004, employ more than one  
25 full-time equivalent employee in a management position for every  
26 eight full-time equivalent employees that the agency employs in  
27 nonmanagerial staff positions. This subsection expires September

1 1, 2005.

2 (d) A state agency that believes that the minimum  
3 management-to-staff ratios required by this section are  
4 inappropriate for that agency may appeal to the Legislative Budget  
5 Board. The Legislative Budget Board by rule shall adopt appeal  
6 procedures.

7 (b) Effective September 1, 2004, Section 651.004,  
8 Government Code, is amended by adding Subsection (c-2) to read as  
9 follows:

10 (c-2) A state agency in the executive branch of state  
11 government that employs more than 100 full-time equivalent  
12 employees may not, after August 31, 2005, employ more than one  
13 full-time equivalent employee in a management position for every  
14 nine full-time equivalent employees that the agency employs in  
15 nonmanagerial staff positions. This subsection expires September  
16 1, 2006.

17 (c) Effective September 1, 2005, Section 651.004,  
18 Government Code, is amended by adding Subsection (c-3) to read as  
19 follows:

20 (c-3) A state agency in the executive branch of state  
21 government that employs more than 100 full-time equivalent  
22 employees may not, after August 31, 2006, employ more than one  
23 full-time equivalent employee in a management position for every 10  
24 full-time equivalent employees that the agency employs in  
25 nonmanagerial staff positions. This subsection expires September  
26 1, 2007.

27 (d) Effective September 1, 2006, Section 651.004,

1 Government Code, is amended by adding Subsection (c) to read as  
2 follows:

3 (c) A state agency in the executive branch of state  
4 government that employs more than 100 full-time equivalent  
5 employees may not employ more than one full-time equivalent  
6 employee in a management position for every 11 full-time equivalent  
7 employees that the agency employs in nonmanagerial staff positions.

8 (e) A state agency in the executive branch of government  
9 shall achieve the management-to-staff ratio required by Subsection  
10 (c), Section 651.004, Government Code, as added by this section,  
11 not later than August 31, 2007.

12 (f) Subchapter K, Chapter 659, Government Code, is amended  
13 by adding Section 659.262 to read as follows:

14 Sec. 659.262. ADDITIONAL COMPENSATION FOR CERTAIN  
15 CLASSIFIED STATE EMPLOYEES. (a) In this section, "state agency"  
16 means an agency of any branch of state government that employs  
17 individuals who are classified under Chapter 654.

18 (b) To enhance the recruitment of competent personnel for  
19 certain classified employee positions, a state agency may provide  
20 to a state employee, at the time of the employee's hiring for a  
21 classified position, additional compensation in the form of a  
22 one-time recruitment payment not to exceed \$5,000. If the employee  
23 discontinues employment with the state agency for any reason less  
24 than three months after the date of receiving the recruitment  
25 payment, the employee shall refund to the state agency the full  
26 amount of the recruitment payment. If the employee discontinues  
27 employment with the state agency for any reason three months or

1 longer but less than 12 months after the date of receiving the  
2 recruitment payment, the employee shall refund to the state agency  
3 an amount computed by:

4 (1) subtracting from 12 months the number of complete  
5 calendar months the employee worked after the date of receiving the  
6 recruitment payment;

7 (2) dividing the number of months computed under  
8 Subdivision (1) by 12 months; and

9 (3) multiplying the fraction computed under  
10 Subdivision (2) by the amount of the recruitment payment.

11 (c) To enhance the retention of employees who are employed  
12 in certain classified positions that are identified by the chief  
13 administrator of a state agency as essential for the state agency's  
14 operations, a state agency may enter into a deferred compensation  
15 contract with a classified employee to provide to the employee a  
16 one-time additional compensation payment not to exceed \$5,000 to be  
17 added to the employee's salary payment the month after the  
18 conclusion of the 12-month period of service under the deferred  
19 compensation contract.

20 (d) To be eligible to enter into a contract for deferred  
21 compensation under Subsection (c), a state employee must have  
22 already completed at least 12 months of service in a classified  
23 position.

24 (e) The chief administrator of a state agency shall  
25 determine whether additional compensation is necessary under this  
26 section on a case-by-case basis, considering:

27 (1) the criticality of the employee position in the



1 operations of the state agency;

2 (2) evidence of high turnover rates among employees  
3 filling the position or an extended period during which the  
4 position is or has in the past been vacant;

5 (3) evidence of a shortage of employees qualified to  
6 fill the position or a shortage of qualified applicants; and

7 (4) other relevant factors.

8 (f) Before an agency provides or enters into a contract to  
9 provide additional compensation to an employee under this section,  
10 the chief administrator of the state agency must certify to the  
11 comptroller in writing the reasons why the additional compensation  
12 is necessary.

13 (g) Additional compensation paid to an employee under this  
14 section is specifically exempted from any limitation on salary or  
15 salary increases prescribed by this chapter.

16 (g) Subsection (b), Section 656.048, Government Code, is  
17 repealed.

18 Explanation: The added text is necessary to restrict  
19 agencies with more than 100 full-time equivalent employees from  
20 having more than one manager for every 11 non-managerial full-time  
21 equivalent employees after August 31, 2006. The added text also  
22 provides for a phase-in period between March 31, 2004, and August  
23 31, 2006. The added text also provides for additional compensation  
24 to certain state employees in the form of a one-time recruitment or  
25 retention payment not to exceed \$5,000.

Pickett

H.R. No. 1850

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Speaker of the House

I certify that H.R. No. 1850 was adopted by the House on June 1, 2003, by a non-record vote.

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Chief Clerk of the House