

Suspending limitations on conference committee
jurisdiction, H.B. No. 3442

By: Pickett

H.R. No. 1850

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
25 of a certificate of registration under this chapter and the fee for

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

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

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

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

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

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

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

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

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

26 (e) The change in law made by this section applies only to
27 the issuance or renewal of a certificate of registration under

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

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

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

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

20 CHAPTER 670. HUMAN RESOURCES STAFFING AND FUNCTIONS

21 Sec. 670.001. DEFINITIONS. In this chapter:

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

25 (2) "State agency" means a department, commission,
26 board, office, authority, council, or other governmental entity in
27 the executive branch of government that is created by the

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

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

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

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

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

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

25 (b) Not later than January 1, 2004, each state agency with
26 500 or more full-time equivalent employees shall comply with the
27 human resources employee-to-staff ratio requirements in Section

1 670.002, Government Code, as added by this section.

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

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

14 (3) 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 16. AGENCY STAFFING AND PRODUCTIVITY. (a)
19 Effective September 1, 2003, Section 651.004, Government Code, is
20 amended by adding Subsections (c-1) and (d) to read as follows:

21 (c-1) A state agency in the executive branch of state
22 government that employs more than 100 full-time equivalent
23 employees may not, after March 31, 2004, employ more than one
24 full-time equivalent employee in a management position for every
25 eight full-time equivalent employees that the agency employs in
26 nonmanagerial staff positions. This subsection expires September
27 1, 2005.

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

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

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

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

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

26 (d) Effective September 1, 2006, Section 651.004,
27 Government Code, is amended by adding Subsection (c) to read as

1 follows:

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

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

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

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

17 (b) To enhance the recruitment of competent personnel for
18 certain classified employee positions, a state agency may provide
19 to a state employee, at the time of the employee's hiring for a
20 classified position, additional compensation in the form of a
21 one-time recruitment payment not to exceed \$5,000. If the employee
22 discontinues employment with the state agency for any reason less
23 than three months after the date of receiving the recruitment
24 payment, the employee shall refund to the state agency the full
25 amount of the recruitment payment. If the employee discontinues
26 employment with the state agency for any reason three months or
27 longer but less than 12 months after the date of receiving the

1 recruitment payment, the employee shall refund to the state agency
2 an amount computed by:

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

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

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

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

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

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

26 (1) the criticality of the employee position in the
27 operations of the state agency;

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

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

6 (4) other relevant factors.

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

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

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

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