

By: Pitts

H.B. No. 1485

A BILL TO BE ENTITLED

AN ACT

relating to performance assessments of certain state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 2056, Government Code, is amended to read as follows:

CHAPTER 2056. STRATEGIC PLANS OF OPERATION;  
PERFORMANCE ASSESSMENTS

SECTION 2. Chapter 2056, Government Code, is amended by designating Sections 2056.001 through 2056.011 as Subchapter A and adding a heading for Subchapter A to read as follows:

SUBCHAPTER A. STRATEGIC PLANS

SECTION 3. Chapter 2056, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PERFORMANCE ASSESSMENT

Sec. 2056.051. DEFINITION. In this subchapter, "foundation" means the Quality Texas Foundation or another similar independent assessment entity selected by the Governor's Office of Budget and Planning for the purpose of performing independent assessments under this subchapter.

Sec. 2056.052. PERFORMANCE EXCELLENCE; ASSESSMENT. (a) A state agency shall:

(1) establish a six-year plan to assess the agency's management, accountability, performance, and customer service using the Malcolm Baldrige Criteria for Performance Excellence; and

1           (2) every two years assess the agency's progress in  
2 implementing the plan.

3           (b) Not later than March 1 of each even-numbered year  
4 following the year a state agency establishes a six-year assessment  
5 plan under this section, the agency shall submit its most recent  
6 biennial assessment to the foundation. The foundation shall use the  
7 assessment to:

8           (1) independently assess the agency's quality  
9 management, accountability, and performance evaluation systems  
10 using criteria developed or adopted by the foundation; and

11           (2) evaluate the effectiveness of the agency's  
12 leadership, planning, customer focus, performance measurement,  
13 employee focus, and process management.

14           Sec. 2056.053. REPORT. Not later than December 1 of the  
15 year the foundation receives an assessment from a state agency  
16 under Section 2056.052, the foundation shall submit a report of the  
17 foundation's assessments and recommendations for legislation or  
18 further action by the state agency to:

19           (1) the presiding officers of each house of the  
20 legislature;

21           (2) the Legislative Budget Board;

22           (3) the Governor's Office of Budget and Planning; and

23           (4) the state agency that submitted the assessment.

24           Sec. 2056.054. REVIEW BY SUNSET ADVISORY COMMISSION. (a)  
25 If the most recent assessment of a state agency conducted by the  
26 foundation under Section 2056.052(b) indicates that the agency  
27 failed to significantly improve any deficiencies noted by the

1 foundation in a previous assessment conducted by the foundation,  
2 the lieutenant governor and the speaker of the house of  
3 representatives jointly may require that the state agency be  
4 included in the group of state agencies reviewed by the Sunset  
5 Advisory Commission prior to the next legislative session.

6 (b) If the lieutenant governor and speaker recommend review  
7 by the Sunset Advisory Commission, the state agency shall cooperate  
8 with the review in the manner required by Chapter 325 (Texas Sunset  
9 Act) as if the state agency were scheduled to be abolished.

10 Sec. 2056.055. AWARDS. (a) From funds appropriated or  
11 otherwise available for this purpose, the Governor's Office of  
12 Budget and Planning may grant an award of up to 10 percent of the net  
13 savings or revenue increases to a state agency that:

14 (1) demonstrates in an assessment by the foundation of  
15 the agency under Section 2056.052(b) significant improvement in any  
16 deficiency noted in a previous assessment under that section; and

17 (2) reduces state expenditures by increasing agency  
18 efficiency, increases state revenues, or increases agency  
19 productivity as a direct result of the improvement.

20 (b) An award must be computed using a cost-benefit analysis  
21 on the net annual actual or projected savings or increased revenues  
22 that equal or exceed \$500 after implementation costs and that are  
23 certified by the affected state agency and the Legislative Budget  
24 Board.

25 (c) A state agency may use an award granted under this  
26 section for:

27 (1) targeted salary increases or one-time merit

1 payments for employees; and

2 (2) information technology hardware or software  
3 designed to increase state agency accountability and customer  
4 satisfaction.

5 Sec. 2056.056. RULEMAKING AUTHORITY. (a) The Governor's  
6 Office of Budget and Planning shall adopt rules necessary to  
7 implement this subchapter.

8 (b) In developing the rules, the office of budget and  
9 planning shall consult with and consider the comments of the  
10 Legislative Budget Board.

11 SECTION 4. (a) Not later than October 1, 2009, the  
12 Governor's Office of Budget and Planning shall select six state  
13 agencies to conduct the assessment required by Section 2056.052,  
14 Government Code, as added by this Act, as follows:

15 (1) two state agencies with at least 800 full-time  
16 employees;

17 (2) two state agencies with at least 100 and not more  
18 than 799 full-time employees; and

19 (3) two state agencies with not more than 100  
20 full-time employees.

21 (b) Not later than March 1, 2010, a state agency selected  
22 under Subsection (a) of this section shall:

23 (1) establish the six-year plan and conduct the first  
24 biennial assessment required under Section 2056.052, Government  
25 Code, as added by this Act; and

26 (2) submit the assessment as required under Section  
27 2056.052(b), Government Code, as added by this Act.

1           SECTION 5. (a) Not later than October 1, 2009, the  
2 Governor's Office of Budget and Planning shall adopt the rules  
3 necessary to implement Subchapter B, Chapter 2056, Government Code,  
4 as added by this Act.

5           (b) A state agency, other than a state agency selected under  
6 Section 4 of this Act, is not required to submit a biennial  
7 assessment under Section 2056.052(b), Government Code, as added by  
8 this Act, before March 1, 2012.

9           SECTION 6. This Act takes effect September 1, 2009.