

By: Parker, Burkett

H.B. No. 3014

Substitute the following for H.B. No. 3014:

By: Flynn

C.S.H.B. No. 3014

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the administration of "pay for success" contracts for  
3 state agencies.

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

5 SECTION 1. Subchapter G, Chapter 403, Government Code, is  
6 amended by adding Section 403.110 to read as follows:

7 Sec. 403.110. SUCCESS CONTRACT PAYMENTS TRUST FUND. (a)

8 The success contract payments trust fund is established as a trust  
9 fund outside the state treasury with the comptroller as trustee.

10 (b) The trust fund is established to provide a fund from  
11 which the comptroller as trustee may make success contract payments  
12 due in accordance with the contract terms without the necessity of  
13 an appropriation for the contract payment.

14 (c) The trust fund consists of money appropriated for  
15 deposit to the credit of the trust fund and any interest or other  
16 earnings attributable to the trust fund. The comptroller shall hold  
17 money credited to the trust fund for use only for payments due in  
18 accordance with success contract terms and expenses incurred in  
19 administering the trust fund or in administering the success  
20 contracts for which the trust fund is established. The balance of  
21 the trust fund may not exceed \$50 million at any time. The  
22 comptroller may establish in the trust fund one or more accounts to  
23 administer money for a particular success contract for which money  
24 has been credited to the trust fund.

1        (d) Notwithstanding any other law, a state agency and the  
2 comptroller jointly may enter into a success contract with any  
3 person the terms of which must include:

4            (1) that a majority of the contract payment is  
5 conditioned on the contractor meeting or exceeding certain  
6 specified performance measures toward the outcome of the contract's  
7 objectives;

8            (2) a defined objective procedure by which an  
9 independent evaluator is to determine whether the specified  
10 performance measures have been met or exceeded; and

11           (3) a schedule of the amounts and timing of payments to  
12 be earned by the contractor during each year or other specified  
13 period of the contract that indicates the payment amounts  
14 conditioned on meeting or exceeding the specified performance  
15 measures.

16        (e) The comptroller and a state agency may not finally  
17 execute a proposed success contract under this section unless:

18           (1) the comptroller and the Legislative Budget Board  
19 certify that the proposed contract is expected to result in  
20 significant performance improvements and significant budgetary  
21 savings for the state agency or agencies party to the contract if  
22 the performance targets are achieved; and

23           (2) the legislature has appropriated for deposit to  
24 the credit of the trust fund, contingent on the execution of the  
25 contract, an amount of money necessary to administer the contract  
26 and make all payments that may become due under the contract over  
27 the effective period of the contract.

1       (f) The comptroller shall make the contract payments for the  
2 success contracts only from the trust fund and only in accordance  
3 with the terms of the success contracts. The comptroller shall  
4 deposit to the credit of the trust fund any money the comptroller  
5 recovers from a contractor for overpayment or for a penalty or other  
6 amount recoverable under the terms of a success contract and shall  
7 hold the money in the trust fund in the same manner as the money held  
8 for payments for the success contract. To the extent that any money  
9 credited to the trust fund for a particular success contract  
10 remains unpaid at the time the particular contract expires or is  
11 terminated, as soon after the contract expiration as is  
12 practicable, the comptroller shall return the unpaid amount to the  
13 state treasury fund or account from which the money was  
14 appropriated.

15       (g) The comptroller shall provide to each legislature not  
16 later than the first day of the regular legislative session a report  
17 that:

18               (1) provides details about the success in achieving  
19 the specified performance measures of each success contract entered  
20 into under this section that has not expired or been terminated or  
21 that expired or was terminated since the date of the preceding  
22 report under this subsection; and

23               (2) provides details about proposed success contracts  
24 that have not been executed at the time of the report.

25       (h) The comptroller may adopt rules as necessary to  
26 administer this section or success contracts entered into under  
27 this section, including joint rules adopted with other agencies

1 that may be party to success contracts under this section.

2 SECTION 2. This Act takes effect September 1, 2015.