

BILL ANALYSIS

Senate Research Center
85R6190 YDB-F

S.B. 706
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background:

- In 1993, H.B. 2626 created the Council on Competitive Government (CCG) to support state and local government services by encouraging "competition, innovation, and creativity among service providers."
- Passed in 2007, H.B. 3560 transferred CCG and the authority to oversee state purchasing to the Texas comptroller of public accounts.

Issue:

- CCG is an added level of bureaucracy that has outlived its utility and is no longer necessary for statewide procurement.
- The enabling statute for CCG actually limits the type of contracts that CCG can procure, so the original intent of CCG does not match state law.
- Moreover, the contracts procured by CCG may have been considered "innovative" when they were first introduced, but the ongoing renewals and re-procurements of these contracts for more than a decade do not necessarily encourage innovative and creative services.

Proposal/ Resolution:

- By removing an unnecessary level of government, repealing CCG would promote good governance and transparency. It would also ensure that public funds are spent efficiently.
- The procurement system has evolved since the creation of the CCG. Statewide Procurement Division (SPD) now offers multiple procurement methods to streamline purchasing for state agencies and local governments.
- Additionally, SPD frequently communicates with state agencies to determine their needs and what they are looking for in terms of "best value."
- CCG's seven existing contracts support basic office services, such as printing and shredding, all of which could be procured through the Texas comptroller of public accounts' SPD or the Texas Department of Information Resources.

As proposed, S.B. 706 amends current law relating to the abolishment of the State Council on Competitive Government and the transfer of its functions to the comptroller.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 236.002, Family Code, as follows:

Sec. 236.002. New heading: POWERS AND DUTIES. (a) Requires the Title IV-D agency, rather than the State Council on Competitive Government (CCG), to:

(1) makes no changes to this subsection;

(2) identify child support enforcement functions, rather than functions performed by the Title IV-D agency, that may be competitively bid;

(3) makes no changes to this subsection;

(4) deletes existing text, and redesignates existing Subdivision (5) as Subdivision (4);

(5)-(6) redesignates existing Subdivision (6) as (5) and (7) as (6).

(b) Requires the Title IV-D agency to coordinate with the Texas comptroller of public accounts (comptroller), rather than CCG, regarding competitive bidding of child support enforcement functions identified under this section.

(c) Deletes existing text authorizing a CCG member to designate an employee of the state agency represented by the member to perform any of the member's powers or duties under this section. Redesignates existing Subsection (d) as Subsection (c). Requires the Title IV-D agency to cooperate with the comptroller if requested by the comptroller, rather than with CCG if requested by the council.

SECTION 2. Amends Section 662.0071(a), Government Code, as follows:

(a) Deletes existing text requiring a state agency to accept the balance of compensatory time accrued under Section 662.007 (Compensatory Time) by a certain state employee if the employee transfers as a direct result of a requirement of CCG for the agency that formerly employed the employee to bid a commercially available service that the agency previously performed. Makes nonsubstantive changes.

SECTION 3. Amends Section 2054.131(b) and (d), Government Code, as follows:

(b) Amends this section to replace CCG with the Department of Information Resources in the provisions of this section.

(d) Makes conforming changes.

SECTION 4. Amends Section 2171.104(a), Government Code, to require the office of vehicle fleet management, rather than the office of vehicle fleet management, as directed by CCG, to develop a management plan with detailed recommendations for improving the administration and operation of the state's vehicle fleet.

SECTION 5. Amends Section 32.0461, Human Resources Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Requires the Health and Human Services Commission (HHSC), rather than HHSC in consultation and coordination with CCG, to seek competitive bids for the claims processing function of the vendor drug program.

(c) Authorizes HHSC to award a contract under this section to another person only if HHSC makes certain determinations, rather than if the Department of Aging and Disability Services and CCG make certain determinations.

(d) Authorizes HHSC to consult with the comptroller in administering this section.

SECTION 6. Amends Section 11.0255(b) and (c), Parks and Wildlife Code, as follows:

(b) Deletes existing text authorizing the Texas Parks and Wildlife Department (TPWD) to use the cost accounting procedures and instructions developed by CCG under Section 2162.102 (Selection of Service Provider Through Competition), Government Code. Makes nonsubstantive changes.

(c) Requires the comptroller, on request, to provide technical assistance to TPWD, rather than requires CCG, on request, to provide technical assistance to TPWD, including assistance with the application of CCG's cost accounting procedures and instructions.

SECTION 7. Amends Section 223.042(d), Transportation Code, as follows:

(d) Deletes existing text requiring the Texas Department of Transportation (TxDOT) to use the cost accounting procedures and instructions developed by CCG under Section 2162.102(c)(2) (relating to developing and requiring state agencies to use methods to estimate and account for certain costs), Government Code, in determining its cost. Deletes existing text requiring CCG, on request, to provide technical assistance to TxDOT about the cost accounting procedures and instructions.

SECTION 8. Repealer: Section 161.037(b) (relating to the Texas Animal Health Commission consulting CCG), Agriculture Code;

Repealer: Section 236.001 (Definition), Family Code;

Repealer: Section 662.0071(c) (relating to the definition of "bid"), Government Code;

Repealer: Section 670.003 (Human Resources Staffing for Medium-Sized and Small State Agencies; Outsourcing), Government Code;

Repealer: Chapter 2162 (State Council on Competitive Government), Government Code;

Repealer: Section 2163.001(d) (relating to consulting with CCG), Government Code; and

Repealer: Section 11.153(b) (relating to TPWD consulting CCG), Parks and Wildlife Code.

SECTION 9. (a) Provides that on the effective date of this Act, CCG is abolished.

(b) Provides that the validity of an action taken by or in connection with the authority of CCG before the date the agency is abolished is not affected by the abolition.

SECTION 10. Provides that on the effective date of this Act:

(1) all powers and duties of CCG are transferred to the comptroller;

(2) a rule, form, policy, procedure, or decision of CCG continues in effect as a rule, form, policy, procedure, or decision of the comptroller until superseded by an act of the comptroller;

(3) a reference in law to CCG means the comptroller;

(4) any action or proceeding before CCG is transferred without change in status to the comptroller and the comptroller assumes, without a change in status, the position of the CCG in any action or proceeding to which CCG is a party;

(5) all money, contracts, leases, rights, bonds, and obligations of CCG are transferred to the comptroller;

(6) all personal property, including records, in the custody of CCG becomes the property of the comptroller; and

(7) all funds appropriated by the legislature to CCG are transferred to the comptroller.

SECTION 11. Effective date: September 1, 2017.