

By: Kacal, Shaheen, et al.

H.B. No. 1118

Substitute the following for H.B. No. 1118:

By: Capriglione

C.S.H.B. No. 1118

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the abolishment of the State Council on Competitive  
3 Government and the transfer of its functions to the comptroller.

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

5 SECTION 1. Section 662.0071(a), Government Code, is amended  
6 to read as follows:

7 (a) A state agency shall accept the balance of compensatory  
8 time accrued under Section 662.007 by a state employee who  
9 transfers to that agency from another state agency if the employee  
10 transfers as a direct result of[+

11 [~~(1)~~] the legislature's transfer of legal authority or  
12 duties from the agency that formerly employed the employee to the  
13 agency that currently employs the employee[~~+~~ or

14 [~~(2)~~ a requirement of the State Council on Competitive  
15 Government for the agency that formerly employed the employee to  
16 bid a commercially available service that the agency previously  
17 performed].

18 SECTION 2. Sections 2054.131(b) and (d), Government Code,  
19 are amended to read as follows:

20 (b) If the department [~~State Council on Competitive~~  
21 ~~Government~~] and the Legislative Budget Board each determine that a  
22 cost savings may be realized through a private vendor selected  
23 under this section, the department [~~State Council on Competitive~~  
24 ~~Government~~] may implement a project that establishes a common

1 electronic infrastructure through which each state agency,  
2 including any retirement system created by statute or by the  
3 constitution, shall:

4 (1) require its work site benefits plan participants  
5 to electronically:

6 (A) enroll in any work site benefits plans  
7 provided to the person by the state or a state agency;

8 (B) add, change, or delete benefits;

9 (C) sign any payroll deduction agreements to  
10 implement a contribution made to a plan in which the participant  
11 enrolls;

12 (D) terminate participation in a voluntary plan;

13 (E) initiate account investment changes and  
14 withdrawals in a retirement plan;

15 (F) obtain information regarding plan benefits;

16 and

17 (G) communicate with the plan administrator; and

18 (2) administer its work site benefits plans  
19 electronically by using the project to:

20 (A) enroll new plan participants and, when  
21 appropriate, terminate plan participation;

22 (B) generate eligibility and enrollment reports  
23 for plan participants;

24 (C) link plan administration with payroll  
25 administration to facilitate payroll deductions for a plan;

26 (D) facilitate single-source billing  
27 arrangements between the agency and a plan provider; and

1 (E) transmit and receive information regarding  
2 the plan.

3 (d) If the department [~~State Council on Competitive~~  
4 ~~Government~~] implements an electronic infrastructure project under  
5 this section, the department [~~State Council on Competitive~~  
6 ~~Government~~] shall select and contract with a single private vendor  
7 to implement the project. The contract must require the  
8 application of the project to all state agencies without cost to the  
9 state until the project is initially implemented.

10 SECTION 3. Section [2171.104](#)(a), Government Code, is amended  
11 to read as follows:

12 (a) The office of vehicle fleet management [~~, as directed by~~  
13 ~~the State Council on Competitive Government,~~] shall develop a  
14 management plan with detailed recommendations for improving the  
15 administration and operation of the state's vehicle fleet.

16 SECTION 4. Section [32.0461](#), Human Resources Code, is  
17 amended by amending Subsections (a) and (c) and adding Subsection  
18 (d) to read as follows:

19 (a) The [~~In consultation and coordination with the State~~  
20 ~~Council on Competitive Government, the~~] commission shall seek  
21 competitive bids for the claims processing function of the vendor  
22 drug program.

23 (c) The commission may award a contract under this section  
24 to another person only if the commission determines [~~department and~~  
25 ~~the State Council on Competitive Government determine~~] that the  
26 provision of services under that contract would be more  
27 cost-effective and the time to process claims under the contract

1 would be the same as or faster than having employees of the  
2 commission continue to process claims.

3 (d) The commission may consult with the comptroller in  
4 administering this section.

5 SECTION 5. Sections 11.0255(b) and (c), Parks and Wildlife  
6 Code, are amended to read as follows:

7 (b) In calculating the costs under Subsection (a), the  
8 department[÷

9 [~~(1)~~] shall consider both direct and indirect costs of  
10 department employees who perform project tasks[÷ and

11 [~~(2) may use the cost accounting procedures and~~  
12 ~~instructions developed by the State Council on Competitive~~  
13 ~~Government under Section 2162.102, Government Code].~~

14 (c) On request, the comptroller [~~State Council on~~  
15 ~~Competitive Government]~~ shall provide technical assistance to the  
16 department[÷, ~~including assistance with the application of the~~  
17 ~~council's cost accounting procedures and instructions].~~

18 SECTION 6. Section 223.042(d), Transportation Code, is  
19 amended to read as follows:

20 (d) The department shall consider all of its direct and  
21 indirect costs in determining the cost of providing the services.

22 [~~The department shall use the cost accounting procedures and~~  
23 ~~instructions developed by the State Council on Competitive~~  
24 ~~Government under Section 2162.102(c)(2), Government Code, in~~  
25 ~~determining its cost. On request, the State Council on Competitive~~  
26 ~~Government shall provide technical assistance to the department~~  
27 ~~about the cost accounting procedures and instructions.]~~

1 SECTION 7. The following laws are repealed:

- 2 (1) Section 161.037(b), Agriculture Code;
- 3 (2) Chapter 236, Family Code;
- 4 (3) Section 662.0071(c), Government Code;
- 5 (4) Section 670.003, Government Code;
- 6 (5) Chapter 2162, Government Code;
- 7 (6) Section 2163.001(d), Government Code; and
- 8 (7) Section 11.153(b), Parks and Wildlife Code.

9 SECTION 8. (a) On the effective date of this Act, the State  
10 Council on Competitive Government is abolished.

11 (b) The validity of an action taken by or in connection with  
12 the authority of the State Council on Competitive Government before  
13 the date the agency is abolished is not affected by the abolition.

14 SECTION 9. On the effective date of this Act:

15 (1) all powers and duties of the State Council on  
16 Competitive Government are transferred to the comptroller;

17 (2) a rule, form, policy, procedure, or decision of  
18 the State Council on Competitive Government continues in effect as  
19 a rule, form, policy, procedure, or decision of the comptroller  
20 until superseded by an act of the comptroller;

21 (3) a reference in law to the State Council on  
22 Competitive Government means the comptroller;

23 (4) any action or proceeding before the State Council  
24 on Competitive Government is transferred without change in status  
25 to the comptroller and the comptroller assumes, without a change in  
26 status, the position of the State Council on Competitive Government  
27 in any action or proceeding to which the State Council on

1 Competitive Government is a party;

2           (5) all money, contracts, leases, rights, bonds, and  
3 obligations of the State Council on Competitive Government are  
4 transferred to the comptroller;

5           (6) all personal property, including records, in the  
6 custody of the State Council on Competitive Government becomes the  
7 property of the comptroller; and

8           (7) all funds appropriated by the legislature to the  
9 State Council on Competitive Government are transferred to the  
10 comptroller.

11           SECTION 10. This Act takes effect September 1, 2017.