

By: Kacal

H.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

1
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 236.002, Family Code, is amended to read
6 as follows:

7 Sec. 236.002. POWERS AND DUTIES [~~OF COUNCIL~~]. (a) The
8 Title IV-D agency [~~council~~] shall:

9 (1) establish an initiative called "Kids Can't Wait"
10 to increase child support enforcement;

11 (2) identify child support enforcement functions
12 [~~performed by the Title IV-D agency~~] that may be competitively bid;

13 (3) establish guidelines for referral of child support
14 enforcement cases to a contractor;

15 (4) [~~after consulting with the Title IV-D agency, make~~
16 ~~recommendations regarding competitive bidding of child support~~
17 ~~enforcement functions that are identified under Subdivision (2),~~

18 [~~(5)~~] consider the benefits of the state's
19 participation in an electronic parent locator network or a similar
20 national service designed to locate parents who owe child support;

21 (5) [~~(6)~~] study the feasibility of cost recovery
22 options in child support collection actions for children who do not
23 receive public assistance; and

24 (6) [~~(7)~~] engage in other activities necessary for the

1 administration of this chapter.

2 (b) The Title IV-D agency shall coordinate with the
3 comptroller [~~council~~] regarding competitive bidding of child
4 support enforcement functions identified under this section.

5 (c) [~~A member of the council may designate an employee of~~
6 ~~the state agency represented by the member to perform any of the~~
7 ~~member's powers or duties under this section.~~

8 [~~(d)~~] The Title IV-D agency shall cooperate with the
9 comptroller [~~council~~] if requested by the comptroller [~~council~~].

10 SECTION 2. Section 662.0071(a), Government Code, is amended
11 to read as follows:

12 (a) A state agency shall accept the balance of compensatory
13 time accrued under Section 662.007 by a state employee who
14 transfers to that agency from another state agency if the employee
15 transfers as a direct result of[+

16 [~~(1)~~] the legislature's transfer of legal authority or
17 duties from the agency that formerly employed the employee to the
18 agency that currently employs the employee[~~, or~~

19 [~~(2) a requirement of the State Council on Competitive~~
20 ~~Government for the agency that formerly employed the employee to~~
21 ~~bid a commercially available service that the agency previously~~
22 ~~performed].~~

23 SECTION 3. Sections 2054.131(b) and (d), Government Code,
24 are amended to read as follows:

25 (b) If the department [~~State Council on Competitive~~
26 ~~Government~~] and the Legislative Budget Board each determine that a
27 cost savings may be realized through a private vendor selected

1 under this section, the department [~~State Council on Competitive~~
2 ~~Government~~] may implement a project that establishes a common
3 electronic infrastructure through which each state agency,
4 including any retirement system created by statute or by the
5 constitution, shall:

6 (1) require its work site benefits plan participants
7 to electronically:

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

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

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

14 (D) terminate participation in a voluntary plan;

15 (E) initiate account investment changes and
16 withdrawals in a retirement plan;

17 (F) obtain information regarding plan benefits;

18 and

19 (G) communicate with the plan administrator; and

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

22 (A) enroll new plan participants and, when
23 appropriate, terminate plan participation;

24 (B) generate eligibility and enrollment reports
25 for plan participants;

26 (C) link plan administration with payroll
27 administration to facilitate payroll deductions for a plan;

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

3 (E) transmit and receive information regarding
4 the plan.

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

12 SECTION 4. Section [2171.104](#)(a), Government Code, is amended
13 to read as follows:

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

18 SECTION 5. Section [32.0461](#), Human Resources Code, is
19 amended by amending Subsections (a) and (c) and adding Subsection
20 (d) to read as follows:

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

25 (c) The commission may award a contract under this section
26 to another person only if the commission determines [~~department and~~
27 ~~the State Council on Competitive Government determine~~] that the

1 provision of services under that contract would be more
2 cost-effective and the time to process claims under the contract
3 would be the same as or faster than having employees of the
4 commission continue to process claims.

5 (d) The commission may consult with the comptroller in
6 administering this section.

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

9 (b) In calculating the costs under Subsection (a), the
10 department[~~+~~

11 [~~(1)~~] shall consider both direct and indirect costs of
12 department employees who perform project tasks[~~, and~~

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

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

20 SECTION 7. Section 223.042(d), Transportation Code, is
21 amended to read as follows:

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

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

1 ~~Government shall provide technical assistance to the department~~
2 ~~about the cost accounting procedures and instructions.]~~

3 SECTION 8. The following laws are repealed:

- 4 (1) Section 161.037(b), Agriculture Code;
- 5 (2) Section 236.001, Family Code;
- 6 (3) Section 662.0071(c), Government Code;
- 7 (4) Section 670.003, Government Code;
- 8 (5) Chapter 2162, Government Code;
- 9 (6) Section 2163.001(d), Government Code; and
- 10 (7) Section 11.153(b), Parks and Wildlife Code.

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

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

16 SECTION 10. On the effective date of this Act:

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

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

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

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

1 status, the position of the State Council on Competitive Government
2 in any action or proceeding to which the State Council on
3 Competitive Government is a party;

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

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

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

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