

By: Birdwell

S.B. No. 706

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

~~the legislature's transfer of legal authority or duties from the agency that formerly employed the employee to the agency that currently employs the employee,~~

~~a requirement of the State Council on Competitive Government for the agency that formerly employed the employee to bid a commercially available service that the agency previously performed].~~

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

(b) If the department [~~State Council on Competitive Government~~] and the Legislative Budget Board each determine that a cost savings may be realized through a private vendor selected under this section, the department [~~State Council on Competitive 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.