

1-1 By: Birdwell S.B. No. 706
 1-2 (In the Senate - Filed February 1, 2017; February 21, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 30, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 30, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 706 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the abolishment of the State Council on Competitive
 1-22 Government and the transfer of its functions to the comptroller.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 662.0071(a), Government Code, is amended
 1-25 to read as follows:

1-26 (a) A state agency shall accept the balance of compensatory
 1-27 time accrued under Section 662.007 by a state employee who
 1-28 transfers to that agency from another state agency if the employee
 1-29 transfers as a direct result of [+

1-30 [~~1~~] the legislature's transfer of legal authority or
 1-31 duties from the agency that formerly employed the employee to the
 1-32 agency that currently employs the employee[~~, or~~

1-33 [~~2~~] a requirement of the State Council on Competitive
 1-34 Government for the agency that formerly employed the employee to
 1-35 bid a commercially available service that the agency previously
 1-36 performed].

1-37 SECTION 2. Sections 2054.131(b) and (d), Government Code,
 1-38 are amended to read as follows:

1-39 (b) If the department [~~State Council on Competitive~~
 1-40 ~~Government~~] and the Legislative Budget Board each determine that a
 1-41 cost savings may be realized through a private vendor selected
 1-42 under this section, the department [~~State Council on Competitive~~
 1-43 ~~Government~~] may implement a project that establishes a common
 1-44 electronic infrastructure through which each state agency,
 1-45 including any retirement system created by statute or by the
 1-46 constitution, shall:

1-47 (1) require its work site benefits plan participants
 1-48 to electronically:

1-49 (A) enroll in any work site benefits plans
 1-50 provided to the person by the state or a state agency;

1-51 (B) add, change, or delete benefits;

1-52 (C) sign any payroll deduction agreements to
 1-53 implement a contribution made to a plan in which the participant
 1-54 enrolls;

1-55 (D) terminate participation in a voluntary plan;

1-56 (E) initiate account investment changes and
 1-57 withdrawals in a retirement plan;

1-58 (F) obtain information regarding plan benefits;

1-59 and

1-60 (G) communicate with the plan administrator; and

2-1 (2) administer its work site benefits plans
 2-2 electronically by using the project to:
 2-3 (A) enroll new plan participants and, when
 2-4 appropriate, terminate plan participation;
 2-5 (B) generate eligibility and enrollment reports
 2-6 for plan participants;
 2-7 (C) link plan administration with payroll
 2-8 administration to facilitate payroll deductions for a plan;
 2-9 (D) facilitate single-source billing
 2-10 arrangements between the agency and a plan provider; and
 2-11 (E) transmit and receive information regarding
 2-12 the plan.

2-13 (d) If the department [~~State Council on Competitive~~
 2-14 ~~Government~~] implements an electronic infrastructure project under
 2-15 this section, the department [~~State Council on Competitive~~
 2-16 ~~Government~~] shall select and contract with a single private vendor
 2-17 to implement the project. The contract must require the
 2-18 application of the project to all state agencies without cost to the
 2-19 state until the project is initially implemented.

2-20 SECTION 3. Section 2171.104(a), Government Code, is amended
 2-21 to read as follows:

2-22 (a) The office of vehicle fleet management [~~, as directed by~~
 2-23 ~~the State Council on Competitive Government,~~] shall develop a
 2-24 management plan with detailed recommendations for improving the
 2-25 administration and operation of the state's vehicle fleet.

2-26 SECTION 4. Section 32.0461, Human Resources Code, is
 2-27 amended by amending Subsections (a) and (c) and adding Subsection
 2-28 (d) to read as follows:

2-29 (a) The [~~In consultation and coordination with the State~~
 2-30 ~~Council on Competitive Government, the~~] commission shall seek
 2-31 competitive bids for the claims processing function of the vendor
 2-32 drug program.

2-33 (c) The commission may award a contract under this section
 2-34 to another person only if the commission determines [~~department and~~
 2-35 ~~the State Council on Competitive Government determine~~] that the
 2-36 provision of services under that contract would be more
 2-37 cost-effective and the time to process claims under the contract
 2-38 would be the same as or faster than having employees of the
 2-39 commission continue to process claims.

2-40 (d) The commission may consult with the comptroller in
 2-41 administering this section.

2-42 SECTION 5. Sections 11.0255(b) and (c), Parks and Wildlife
 2-43 Code, are amended to read as follows:

2-44 (b) In calculating the costs under Subsection (a), the
 2-45 department [+

2-46 ~~(1)] shall consider both direct and indirect costs of~~
 2-47 ~~department employees who perform project tasks[, and~~

2-48 ~~(2) may use the cost accounting procedures and~~
 2-49 ~~instructions developed by the State Council on Competitive~~
 2-50 ~~Government under Section 2162.102, Government Code].~~

2-51 (c) On request, the comptroller [~~State Council on~~
 2-52 ~~Competitive Government~~] shall provide technical assistance to the
 2-53 department [~~, including assistance with the application of the~~
 2-54 ~~council's cost accounting procedures and instructions].~~

2-55 SECTION 6. Section 223.042(d), Transportation Code, is
 2-56 amended to read as follows:

2-57 (d) The department shall consider all of its direct and
 2-58 indirect costs in determining the cost of providing the services.
 2-59 [~~The department shall use the cost accounting procedures and~~
 2-60 ~~instructions developed by the State Council on Competitive~~
 2-61 ~~Government under Section 2162.102(c)(2), Government Code, in~~
 2-62 ~~determining its cost. On request, the State Council on Competitive~~
 2-63 ~~Government shall provide technical assistance to the department~~
 2-64 ~~about the cost accounting procedures and instructions.]~~

2-65 SECTION 7. The following laws are repealed:

- 2-66 (1) Section 161.037(b), Agriculture Code;
- 2-67 (2) Chapter 236, Family Code;
- 2-68 (3) Section 662.0071(c), Government Code;
- 2-69 (4) Section 670.003, Government Code;

- 3-1 (5) Chapter 2162, Government Code;
- 3-2 (6) Section 2163.001(d), Government Code; and
- 3-3 (7) Section 11.153(b), Parks and Wildlife Code.

3-4 SECTION 8. (a) On the effective date of this Act, the State
3-5 Council on Competitive Government is abolished.

3-6 (b) The validity of an action taken by or in connection with
3-7 the authority of the State Council on Competitive Government before
3-8 the date the agency is abolished is not affected by the abolition.

3-9 SECTION 9. On the effective date of this Act:

3-10 (1) all powers and duties of the State Council on
3-11 Competitive Government are transferred to the comptroller;

3-12 (2) a rule, form, policy, procedure, or decision of
3-13 the State Council on Competitive Government continues in effect as
3-14 a rule, form, policy, procedure, or decision of the comptroller
3-15 until superseded by an act of the comptroller;

3-16 (3) a reference in law to the State Council on
3-17 Competitive Government means the comptroller;

3-18 (4) any action or proceeding before the State Council
3-19 on Competitive Government is transferred without change in status
3-20 to the comptroller and the comptroller assumes, without a change in
3-21 status, the position of the State Council on Competitive Government
3-22 in any action or proceeding to which the State Council on
3-23 Competitive Government is a party;

3-24 (5) all money, contracts, leases, rights, bonds, and
3-25 obligations of the State Council on Competitive Government are
3-26 transferred to the comptroller;

3-27 (6) all personal property, including records, in the
3-28 custody of the State Council on Competitive Government becomes the
3-29 property of the comptroller; and

3-30 (7) all funds appropriated by the legislature to the
3-31 State Council on Competitive Government are transferred to the
3-32 comptroller.

3-33 SECTION 10. This Act takes effect September 1, 2017.

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