

BILL ANALYSIS

Senate Research Center

C.S.S.B. 784
By: Barrientos
State Affairs
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Committee Report (Substituted)

DIGEST

Currently, Chapter 2108, Government Code, sets forth the guidelines for the Texas Incentive and Productivity Commission (commission). The commission was created in its current form in 1989 to administer two employee involvement programs modeled after successful private sector programs. The State Employee Incentive Program and the Productivity Bonus Program are designed to benefit state agencies and taxpayers through improving services, increasing revenues and decreasing costs; and to reward employees who participate with monetary rewards and/or recognition. This bill would revise the guidelines of the commission in regard to the composition of the commission, money for operation of the commission, use of updated communication technology, use of agency incentive reinvestment accounts, and the delegation of commission authority for the task of awarding productivity bonuses.

PURPOSE

As proposed, C.S.S.B. 784 revises and updates the regulations of the Texas Incentive and Productivity Commission in regard to the composition of the commission, money for operation of the commission, use of updated communication technology, use of agency incentive reinvestment accounts, and the delegation of commission authority for the task of awarding productivity bonuses.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Incentive and Productivity Commission in SECTIONS 2 and 3 (Sections 2108.004(b) and 2108.022, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2108.003, Government Code, by amending Subsection (a) and by adding Subsection (e), as follows:

(a) Provides that the Texas Incentive and Productivity Commission (commission) is composed of, among others, a state agency executive director appointed by the governor, rather than the state treasurer; and another state agency executive director appointed by the governor from an agency that has actively participated in one or both of the commission's programs, rather than the agency administrator of the Texas Employment Commission.

(e) Provides that the appointed executive director members serve two-year terms, with the term of one member expiring February 1 of each even-numbered year and the term of one member expiring February 1 of each odd-numbered year.

SECTION 2. Amends Section 2108.004(b), Government Code, to authorize the commission to adopt rules to carry out this chapter and to provide for the efficient operation of the state employee incentive program and the productivity bonus program.

SECTION 3. Amends Chapter 2108A, Government Code, by adding Sections 2108.008, 2108.009, and 2108.010, as follows:

Sec. 2108.008. MONEY FOR OPERATION OF COMMISSION. Requires the legislature to appropriate money for the operation of the commission by providing that each state agency

shall pay an amount of money to the commission out of the agency's appropriation. Provides that the amount paid to the commission out of each agency's appropriation is computed by multiplying an amount set by appropriation times the number of employees employed by the agency. Requires each state agency to make its payment to the commission in the manner prescribed by the appropriation.

Sec. 2108.009. LEGISLATIVE APPROPRIATIONS REQUESTS. Requires each state agency that is eligible to participate in the state employee incentive program or the productivity bonus program to include in the agency's legislative appropriation request performance measures for the number of employee suggestions submitted and approved.

Sec. 2108.010. REFERENCES TO PROGRAMS. Authorizes the commission to refer to the incentive program and to the productivity bonus program by different names and to authorize a state agency to refer to the programs by different names.

SECTION 4. Amends Section 2108.022, Government Code, by adding Subsection (c), to authorize the commission, by rule, to prescribe procedures that allow the commission and state agencies to communicate by facsimile or on-line transmission of information. Authorizes the commission to allow a state employee to submit an eligible suggestion to the commission by transmitting it on-line, without requiring the employee to sign the suggestion.

SECTION 5. Amends Section 2108.026(a), Government Code, to provide that to be eligible for consideration under the incentive program an employee suggestion must, among other conditions, be signed by the employee, except as provided by Section 2108.22(c).

SECTION 6. Amends Section 2108.029(c), Government Code, to require an agency coordinator to give each employee who makes a suggestion information about, rather than a copy of, the commission rules relating to redeterminations or reevaluations.

SECTION 7. Amends Section 2108.037, Government Code, as follows:

Sec. 2108.037. New heading: FUNDS TRANSFER; AGENCY INCENTIVE REINVESTMENT ACCOUNTS. Requires the comptroller to transfer the amount certified under Subsection (a) into an incentive reinvestment account the comptroller creates for each participating state agency. Authorizes the money in a state agency's incentive reinvestment account to be appropriated only for certain purposes. Deletes text relating to percentage distribution of the amount certified under Subsection (a). Requires the comptroller, under certain conditions, to transfer the amount of the bonus granted by the commission to the employee making the suggestion from a fund affected by the savings or increased revenues to the state agency's incentive reinvestment account for payment to the employee. Makes conforming changes.

SECTION 8. Amends Section 2108.101(3), Government Code, by redefining "state agency."

SECTION 9. Amends Section 2108.104, Government Code, by adding Subsection (d), to authorize the commission to delegate to commission staff the authority to award the productivity bonus under this subchapter if the bonus is awarded based on the implementation of a plan the commission has approved. Requires the staff to inform the commission of productivity bonuses the staff awards under delegated authority.

SECTION 10. Amends Sections 2108.106(a) and (c), Government Code, as follows:

(a) Requires the commission to award eligible employees of an agency or division an amount not to exceed 25 percent of the amount of savings certified by the agency or division and approved by the commission, rather than the amount in the agency's or division's productivity bonus account.

(c) Provides that an appointed or elected official is ineligible to receive an award under this section. Deletes text relating to the employee's eligibility for an award.

SECTION 11. Amends Section 2108.107, Government Code, as follows:

Sec. 2108.107. New heading: TRANSFER TO AGENCY PRODUCTIVITY REINVESTMENT ACCOUNT. Requires the comptroller, if the commission awards a productivity bonus to a state agency or division of a state agency, to transfer the amount of savings certified by the agency or division and approved by the commission from a fund affected by the savings into a productivity reinvestment account the comptroller creates for each participating state agency. Authorizes the money in a state agency's productivity reinvestment account to be appropriated only for certain purposes. Deletes text relating to awards to state agency or division.

SECTION 12. Amends Section 2108.108(a), Government Code, to require the commission, as soon as possible after an agency certifies savings under the program, rather than at the end of the fiscal year, to compare the expenditures of a state agency or division that participates in the productivity bonus program for the fiscal year with the agency's or division's appropriation for that fiscal year or, if appropriate, the amount attributable to that year.

SECTION 13. Repealers: Sections 2108.038 and 2108.109, Government Code (Special Fund; Productivity Bonus Fund, Agency and Division Accounting).

SECTION 14. Requires the comptroller to transfer any money in a state agency's productivity bonus account into a productivity reinvestment account created for the agency. Requires the comptroller to transfer any money in the productivity bonus account of the commission into the undedicated portion of the general revenue fund.

SECTION 15. Requires the governor, as soon as possible, to appoint one executive director member to the commission for a term expiring February 1, 1999, and one executive director member to the commission for a term expiring February 1, 2000.

SECTION 16. Effective date: September 1, 1997.

SECTION 17. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amend Section 2108.003, Government Code, to omit proposed Subsection (f), relating to grounds for removal of appointed member.

SECTION 2.

Amends Section 2108.004(b), Government Code, to propose additional rulemaking authority for the commission.

SECTION 3.

Amends Chapter 2108A, Government Code, to add three new sections relating to the operation of the commission. Proposed Section 2108.010, Government Code, was originally set forth as Section 2108.008, Government Code, in SECTION 2.

SECTIONS 4-6.

Previously designated as SECTIONS 3-5, respectively.

SECTION 7.

Amends Section 2108.037, Government Code, to set forth provisions relating to agency

incentive reinvestment accounts.

SECTION 8.

Amends Section 2108.101(3), Government Code, to redefine "state agency."

SECTION 9.

Amends Section 2108.104, Government Code, previously set forth in SECTION 6.

SECTION 10.

Amends Section 2108.106, Government Code, to revise Subsection (a). Revisions to Subsection (c) were previously set forth in SECTION 7.

SECTION 11.

Amends Section 2108.107, Government Code, to revise provisions relating to the commission awarding a productivity bonus to a state agency or division of a state agency.

SECTION 12.

Previously designated as SECTION 8.

SECTION 13.

Proposed repealer section.

SECTION 14.

Proposed session law relating to the comptroller.

SECTIONS 15-17.

Previously designated as SECTIONS 9-11, respectively.