

SUBJECT: Rulemaking authority for fiscal management changes

COMMITTEE: State Affairs — favorable, with amendments

VOTE: 12 ayes — Wolens, S. Turner, Brimer, Carter, Counts, Danburg, Hilbert, Hunter, D. Jones, Longoria, McCall, Ramsay

0 nays

3 absent — Alvarado, Craddick, Stiles

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 17 — 31-0

WITNESSES: For — None

Against — None

On — Kenny McLesky and Ken Welch, State Comptroller's Office

DIGEST: SB 645, as amended, would make a number of changes to several statutes relating to state fiscal management, including employee compensation and deductions, reports, and consultants. The bill also would give the state comptroller authority to make rules regarding:

- the beginning and ending dates and any change in dates for state employee salary deductions to charitable organizations;
- hazardous duty payments to state employees;
- lump sum payments of vacation leave to state employees who terminate employment with the state;
- lump sum payments of sick and vacation leave to to estates of deceased state employees; and
- state employee holidays as authorized by law.

The comptroller could adopt rules to interpret, implement and administer state statutes if the statute specifically gave the comptroller this type of authority or the comptroller determined that the rules were necessary to fulfill the office's legal duties. This provision would not apply to statutes

that specifically authorized the comptroller or a state agency to adopt rules to interpret, implement and administer a law.

The bill would make a number of changes to statutes dealing with state employee policy and benefits and fiscal management. It would:

- amend the state payday law so that state employees could receive paychecks on state holidays;
- make technical changes to the charitable payroll deduction and credit union payroll deduction programs;
- authorize state employees required to transfer from one agency to another to also transfer to the second agency compensatory time earned working on holidays;
- eliminate the requirement that the federal government comply with the state consulting laws; and
- require that political subdivisions and other governmental units as defined in the bill comply with the state consulting laws on contracts exceeding \$10,000.

SB 645 would take immediate effect if finally approved by a two thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

SB 645 would give the state comptroller needed authority to make rules to ensure that employees at all state agencies were treated in a similar manner and would make needed changes to improve the fiscal management of the state.

In 1987 the Legislature created the Uniform Statewide Accounting System (USAS) to streamline and reduce duplication in statewide accounting. This bill would make some needed technical changes to permit the Comptroller's Office to implement the statewide accounting and payroll systems.

The bill also would clarify several employee benefit laws so that they could be interpreted and administered uniformly by state agencies. It would give the state comptroller needed authority to interpret several employee benefit programs that are not administered by any state agency under current law, such as hazardous duty pay.

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OPPONENTS
SAY: No apparent opposition.

NOTES: The committee amendments would make additional technical changes and authorize the comptroller to use an electronic funds transfer system to deposit a portion of an employee's gross pay into a credit union account.