

BILL ANALYSIS

Senate Research Center

C.S.S.B. 31
By: Ratliff
Finance
3-26-97
Committee Report (Substituted)

DIGEST

Currently, provisions of Article IX of the General Appropriations Act, do more than set aside a sum of money and provide the manner of distribution, including those provisions which do not appropriate, or otherwise detail, limit, or restrict the use of funds. For this reason such provisions should be removed from Article IX and placed into general law. This bill removes provisions which do not appropriate, or otherwise detail, limit, or restrict the use of funds.

PURPOSE

As proposed, C.S.S.B. 31 removes provisions from Article IX, General Appropriations Act, which do not appropriate, or otherwise detail, limit, or restrict the use of funds.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the comptroller in SECTIONS 12 and 24 (Sections 659.004(a), 659.007, and 666.005(b), Government Code); to state agencies in SECTION 45 (Section 2161.003, Government Code); and to the Texas Commission on Human Rights in SECTION 63 (Section 21.003(a)(11), Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 321, Government Code, by adding Section 321.0137, as follows:

Sec. 321.0137. HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM AUDIT. Provides that a historically underutilized business program audit is an audit to determine, according to the established program rules, whether an agency is making a good faith effort to comply with the program authorized in Chapter 2161, including whether the agency has satisfied certain requirements.

SECTION 2. Amends Section 321.014(c), Government Code, to require the State Auditor to file a copy of each report prepared under this section with the General Services Commission (commission), for those audits conducted under Section 321.0137.

SECTION 3. Amends Section 324.008, Government Code, by adding Subsections (d) and (e), to require the governing body of a state agency to deliver a certified copy of its minutes to the library. Requires any changes or corrections of the minutes to be delivered to the library. Defines "state agency."

SECTION 4. Amends Section 325.011, Government Code, to require the Sunset Advisory Commission and its staff to consider the extent to which the agency has complied with requirements of state statutes and state agency rules regarding purchasing goals and programs for historically underutilized businesses, among other criteria for review. Makes conforming changes.

SECTION 5. Amends Chapter 403B, Government Code, by adding Sections 403.0131 and 403.0132, as follows:

Sec. 403.0131. REPORT TO LEGISLATURE. Sets forth requirements for preparation by the comptroller of a summary table for all major funds.

Sec. 403.0132. REPORT OF EXPENDITURES BY STATE AGENCY IN COUNTY. Requires the comptroller to prepare an annual report detailing expenditures by state agencies in each county. Sets forth the requirements of the report.

SECTION 6. Amends Section 403.021, Government Code, to require a state agency that expends appropriated funds to report into the uniform statewide accounting system all payables and binding encumbrances for the first three quarters of the current appropriation year within 30 days after the close of each quarter. Deletes the previous provision regarding submission of an encumbrance report. Requires binding encumbrances for all appropriation years to be reported annually not later than September 30 of each fiscal year. Requires each state agency to reconcile all expenditures, binding encumbrances, payables, and accrued expenditures reported in the uniform statewide accounting system with the state agency's strategic planning and budget structure, as reported in the automated budget and evaluation system prescribed by the Legislative Budget Board. Deletes the provision regarding the application of this subchapter. Makes conforming changes.

SECTION 7. Amends Chapter 552C, Government Code, by adding Section 552.125, as follows:

Sec. 552.125. EXCEPTION: CERTAIN DOCUMENTS SUBMITTED FOR CERTIFICATION AS HISTORICALLY UNDERUTILIZED BUSINESS. Provides that all financial and other types of private, confidential documentation submitted for the purpose of determining economic status and ownership interests of businesses under Chapter 2161 are excepted from the requirements of Section 552.021.

SECTION 8. Amends Chapter 656B, Government Code, by adding Section 656.026, as follows:

Sec. 656.026. JOB NOTICE POSTING WAIVER. Provides for a job notice posting waiver for certain state agencies.

SECTION 9. Amends Section 658.005(a), Government Code, to set forth opening times of the offices of a state agency.

SECTION 10. Amends Section 658.006, Government Code, as follows:

Sec. 658.006. New heading: STAGGERED WORKING HOURS. Deletes a provision authorizing working hours to be staggered as authorized by the General Appropriations Act. Makes a conforming change.

SECTION 11. Amends Chapter 658, Government Code, by adding Section 658.008, as follows:

Sec. 658.008. MEMBERS OF NATIONAL GUARD OR RESERVES. Requires working schedules of members of the Texas National Guard or U.S. Armed Forces Reserves to be adjusted in a certain manner.

SECTION 12. Amends Chapter 659A, Government Code, by adding Sections 659.004-659.007, as follows:

Sec. 659.004. PAYROLL REPORTING. Requires the comptroller to adopt certain rules. Defines "state agency."

Sec. 659.005. WITNESS FEES; JURY SERVICE. Prohibits a deduction from a state employee's wages for attending jury service. Sets forth requirements for a state officer or employee who appears as a witness in a judicial proceeding or legislative hearing.

Sec. 659.006. WITHHOLDINGS, DEDUCTIONS, AND MATCHING CONTRIBUTIONS: TAX AND RETIREMENT LAWS. Sets forth requirements for withholdings, deductions, and matching contributions for state officers or employees.

Sec. 659.007. ADJUSTMENT FOR INACCURATE PAYMENT. Requires the comptroller, by rule, to prescribe certain adjustment procedures.

SECTION 13. Amends Chapter 659B, Government Code, by adding Sections 659.015-659.017, as follows:

Sec. 659.015. OVERTIME COMPENSATION FOR EMPLOYEES SUBJECT TO FAIR LABOR STANDARDS ACT. Sets forth overtime compensation provisions for employees subject to the Fair Labor Standards Act.

Sec. 659.016. OVERTIME COMPENSATION FOR EMPLOYEES NOT SUBJECT TO FAIR LABOR STANDARDS ACT; REDUCTIONS IN PAY. Sets forth overtime compensation for employees not subject to the Fair Labor Standards Act. Sets forth requirements for state compensatory time and reductions in pay.

Sec. 659.017. OVERTIME COMPENSATION FOR LEGISLATIVE EMPLOYEES. Sets forth requirements for overtime compensation for legislative employees.

SECTION 14. Amends Section 659.081, Government Code, to require annual salaries for state officers and employees to be paid once a month, except as provided by this subchapter or the General Appropriations Act.

SECTION 15. Amend Chapter 659F, Government Code, by adding Section 659.085, as follows:

Sec. 659.085. DETERMINING AMOUNT OF MONTHLY OR HOURLY PAY; PROPORTIONATE REQUIREMENT FOR PART-TIME PAY. Sets forth requirements for determining monthly or hourly pay. Sets forth the salary rate requirements for part-time employees.

SECTION 16. Amends Section 661.033(c), Government Code, to prohibit payment from being more than 336 hours of sick leave or one-half of accumulated sick leave, whichever is less.

SECTION 17. Amends Section 661.062, Government Code, by amending Subsections (a) and (b), and adding Subsection (f), to set forth the terms by which a state employee is entitled to be paid for the accrued balance of the employee's vacation time, provided certain conditions are met. Establishes the method by which payment for accrued vacation leave for employees of the legislative branch, including employees of the lieutenant governor, is determined.

SECTION 18. Amends Chapter 661, Government Code, by adding Subchapters F, G, H, and Z, as follows:

SUBCHAPTER F. GENERAL PROVISIONS FOR VACATION LEAVE

Sec. 661.151. STATE AUDITOR INTERPRETATIONS. Requires the state auditor to provide a uniform interpretation of this subchapter and Subchapters G, H, and Z. Requires the state auditor to report to certain persons any state agency or institution of higher education that practices exceptions to those laws.

Sec. 661.152. ENTITLEMENT TO ANNUAL VACATION LEAVE. Sets forth requirements for a state employee's entitlement to vacation leave.

Sec. 661.153. VACATION LEAVE FOR LEGISLATIVE EMPLOYEES. Sets forth the individuals who determine vacation leave for employees of the legislative branch.

SUBCHAPTER G. GENERAL PROVISIONS FOR SICK LEAVE

Sec. 661.201. APPLICABILITY. Sets forth applicability of this subchapter.

Sec. 661.202. ENTITLEMENT TO SICK LEAVE. Sets forth requirements for a state employee's entitlement to sick leave.

Sec. 661.203. RESTORATION OF SICK LEAVE ON REEMPLOYMENT IN CERTAIN CIRCUMSTANCES. Sets forth requirements for restoration of sick leave on reemployment, under a formal reduction in force or for other reasons.

SUBCHAPTER H. PROVISIONS APPLICABLE TO BOTH VACATION AND SICK LEAVE

Sec. 661.251. APPLICABILITY. Sets forth applicability of this subchapter.

Sec. 661.252. TRANSFER OF LEAVE BALANCE. Provides for a transfer of leave balance if a state employee transfers from one state agency to another.

SUBCHAPTER Z. MISCELLANEOUS LEAVE PROVISIONS

Sec. 661.901. APPLICABILITY. Sets forth applicability of this subchapter.

Sec. 661.902. EMERGENCY LEAVE. Sets forth requirements for emergency leave for a state employee.

Sec. 661.903. NATIONAL GUARD EMERGENCY. Sets forth requirements for a leave of absence for a person who is a member of the Texas National Guard.

Sec. 661.904. MILITARY LEAVE DURING NATIONAL EMERGENCY. Sets forth requirements for leave for persons called to active duty during a national emergency.

Sec. 661.905. VOLUNTEER FIREFIGHTERS. Sets forth requirements for leave for volunteer firefighters.

Sec. 661.906. FOSTER PARENTS. Sets forth requirements for leave for foster parents.

Sec. 661.907. RED CROSS DISASTER SERVICE VOLUNTEER. Sets forth requirements for leave for a Red Cross disaster service volunteer.

Sec. 661.908. LEAVE RECORDS. Sets forth requirements for leave records for each state agency.

Sec. 661.909. LEAVE WITHOUT PAY; LEAVE OF ABSENCE. Sets forth requirements for leave without pay and leave of absence.

Sec. 661.910. SEEING-EYE DOG TRAINING FOR BLIND EMPLOYEES. Sets forth requirements for leaves of absence for state employees who need to attend training courses to acquaint themselves with a seeing-eye dog to be used by the state employee. Defines "blind."

Sec. 661.911. ADMINISTRATIVE LEAVE WITH PAY. Sets forth requirements for administrative leave with pay.

Sec. 661.912. FAMILY AND MEDICAL LEAVE ACT. Sets forth application and exceptions of the Family and Medical Leave Act.

Sec. 661.913. PARENTAL LEAVE FOR CERTAIN EMPLOYEES. Sets forth requirements for parental leaves of absence.

Sec. 661.914. VOTING BY STATE EMPLOYEES. Requires a state agency to allow each agency employee sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election.

SECTION 19. Amends Section 662.003(b), Government Code, to delete the provision that every day on which an election is held throughout the state is a state holiday. Redesignates subsequent subdivisions.

SECTION 20. Amends Section 662.004(a), Government Code, to require an institution of higher education to have enough employees on duty during a state holiday to conduct the public business of the institution.

SECTION 21. Amends Section 662.007, Government Code, by adding Subsection (c), to authorize an employee of an institution of higher education to take compensatory time off on certain national or state holidays, if certain requirements are met.

SECTION 22. Amends Section 662.010, Government Code, by amending Subsection (c) and adding Subsection (d), to provide for the payment of an employee who transfers from one state agency to another without a break of service, by the agency to which the employee transfers. Makes a conforming change.

SECTION 23. Amends Section 662.011, Government Code, by amending Subsection (a) and adding Subsection (c), to provide that Subsection (a) is subject to any applicable limitation on the observance of holidays prescribed by the General Appropriations Act. Sets forth requirements by which the employee is eligible to take a paid holiday leave.

SECTION 24. Amends Title 6B, Government Code, by adding Chapter 666, as follows:

CHAPTER 666. MULTIPLE EMPLOYMENTS WITH STATE

Sec. 666.001. GENERAL PROVISIONS. Sets forth applicability of this chapter. Prohibits certain persons from receiving benefits from the state which exceed the benefits provided for one full-time employee.

Sec. 666.002. SEPARATE RECORDS REQUIRED. Requires separate records for vacation and sick leave.

Sec. 666.003. TRANSFER OF LEAVE BALANCES PROHIBITED. Prohibits a person's leave balance from being transferred to the new employment under certain conditions.

Sec. 666.004. ACCRUAL OF STATE SERVICE CREDIT. Provides that a person accrues state service credit as if the person had only one employment.

Sec. 666.005. FEDERAL INSURANCE CONTRIBUTIONS. Prohibits a state's contribution toward the taxes imposed on a person by the Federal Insurance Contributions Act from exceeding the overall limit specified in the General Appropriations Act. Requires the comptroller to prescribe uniform accounting and reporting procedures.

Sec. 666.006. GROUP INSURANCE CONTRIBUTION. Sets forth a limit on the state's contribution to a person's group insurance.

Sec. 666.007. OVERTIME COMPENSATION. Sets forth requirements for overtime compensation.

Sec. 666.008. INFORMING EMPLOYER ABOUT MULTIPLE EMPLOYMENT. Requires a person to inform a person's employing state agency or institution before accepting additional employment with another agency or institution.

Sec. 666.009. SPECIAL PROVISIONS FOR LEGISLATIVE AGENCIES. Sets forth provisions for persons with less than full-time employments using paid leave.

Sec. 666.010. SPECIAL PROVISIONS FOR INSTITUTIONS OF HIGHER EDUCATION. Provides for a policy defining a person's employment.

SECTION 25. Amends Chapter 751, Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. STATE PERSONNEL IN WASHINGTON

Sec. 751.051. LIAISON TO LEGISLATIVE COMMITTEES. Requires state employees in Washington, D.C., to act as a liaison and provide certain federal funding information.

SECTION 26. (a) Amends Chapter 2001B, Government Code, by adding Section 2001.039, as follows:

Sec. 2001.039. AGENCY REVIEW OF EXISTING RULES. Sets forth the terms by which a state agency is required to review each of its rules in accordance with this section.

(b) Provides that this subsection applies only to state agency rules that have taken effect before September 1, 1997. Requires a state agency to review each of its existing rules not later than August 31, 2001. Requires each state agency to develop and send to the secretary of state for publication in the Texas Register a plan under which the agency will review its existing rules not later than August 31, 1998. Sets forth the effective date of an existing rule for purposes of subsequent reviews under Section 2001.039.

SECTION 27. Amends Chapter 2052A, Government Code, by adding Section 2052.004, as follows:

Sec. 2052.004. REPORT ON CLOSING OF FIELD OFFICES. Requires a state agency to send notice to certain persons about a state agency's plans to close a field office located in a member's legislative district.

SECTION 28. Amends Section 2054.092, Government Code, to require the state strategic plan to be a visionary plan for the management of the state's information resources.

SECTION 29. Amends Section 2054.095(d), Government Code, to require the Department of Information Resources (department) to specify the format, content, updating, and submission of an agency's strategic plan.

SECTION 30. Amends Section 2054.118, Government Code, to prohibit an agency from spending funds for major information resources projects unless a project has been reviewed and approved by a quality assurance team consisting of the state auditor's office. Sets forth the duties of a quality assurance team. Requires the department to provide technical assistance to a state agency in the implementation of the project. Authorizes the quality assurance team to request the Legislative Budget Board or the comptroller's office to assist in determining the accuracy of project expenditures and other items. Makes conforming changes.

SECTION 31. Amends Chapter 2054F, Government Code, by adding Sections 2054.120 and 2054.121, as follows:

Sec. 2054.120. COORDINATION AMONG INSTITUTIONS OF HIGHER EDUCATION. Requires institutions of higher education to coordinate the use of information technologies.

Sec. 2054.121. COORDINATED TECHNOLOGY TRAINING. Sets forth requirements for training for the use of information resources technologies.

SECTION 32. Amends Chapter 2101B, Government Code, by adding Section 2101.0111, as follows:

Sec. 2101.0111. ANNUAL REPORTS AND INVENTORIES. Sets forth requirements for annual reports and inventories of state agencies. Defines "state agency."

SECTION 33. Amends Section 2101.012(a), Government Code, to make a conforming

change.

SECTION 34. Amends Section 2101.038, Government Code, to require the state auditor to notify an agency's governing body and executive head, if the state auditor issues any report concerning the operation of a state agency.

SECTION 35. Amends Chapter 2102, Government Code, by adding Section 2102.0091, as follows:

Sec. 2102.0091. REPORTS OF PERIODIC AUDITS. Sets forth requirements for reports of periodic audits. Defines "state agency."

SECTION 36. Amends Title 10C, Government Code, by adding Chapter 2113, as follows:

CHAPTER 2113. USE OF APPROPRIATED MONEY AND OTHER STATE FUNDS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2113.001. DEFINITIONS. Defines "appropriated money" and "state agency."

SUBCHAPTER B. RESTRICTIONS ON POLITICAL ACTIVITY

Sec. 2113.011. SUPPORT OF CANDIDATES. Prohibits state agency resources from being used to support a political candidate.

Sec. 2113.012. ELECTIONS AND LEGISLATIVE INFLUENCE. Prohibits state agency resources from being used to influence the outcome of an election or legislative measure. Provides that this section does not prohibit a state employee from providing information to state officials which is public information.

Sec. 2113.013. LOBBYING. Sets forth prohibitions on a state agency from using state agency resources for certain lobbying purposes.

Sec. 2113.014. RETALIATION AND VIOLATION. Requires a person who causes an officer or employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 2113.012(b) to be discharged immediately.

Sec. 2113.015. NOTICE OF PROHIBITIONS. Sets forth requirements for notice of prohibitions.

Sec. 2113.016. STUDENT ORGANIZATIONS. Provides that this chapter does not prohibit the payment of reasonable dues to organizations which represent students' interests before the legislature from certain sources. Provides that a mandatory student service fee may not be used to influence the outcome of an election.

Sec. 2113.017. COMPENSATION PROHIBITION. Prohibits a state agency from using appropriated money to compensate an officer or employee who violates this subchapter.

SUBCHAPTER C. RESTRICTIONS ON OFFICERS AND EMPLOYEES

Sec. 2113.101. PUBLICITY. Prohibits a state agency from using appropriated money to publicize an employee of state government or for other publicity purposes. Sets forth requirements for publicizing the state agency.

Sec. 2113.102. USE OF ALCOHOLIC BEVERAGES. Prohibits a state agency from using appropriated money for compensating an officer or employee who uses alcoholic beverages on active duty.

Sec. 2113.103. USE OF MOTOR VEHICLE. Sets forth requirements for using a state-

owned motor vehicle.

SUBCHAPTER D. RESTRICTIONS ON GOODS AND SERVICES

Sec. 2113.201. CONSULTANT CONTRACTS. Prohibits a state agency from using funds for contracting with certain consulting services.

Sec. 2113.202. ALCOHOLIC BEVERAGES. Prohibits a state agency from purchasing alcoholic beverages except for authorized law enforcement purposes.

Sec. 2113.203. AUDITS. Sets forth requirements for using state agency funds for audits.

Sec. 2113.204. PUBLICATION OF REPORTS. Sets forth requirements for using state agency funds for certain publications.

Sec. 2113.205. PERIODICALS AND OTHER PUBLICATIONS. Sets forth requirements for using state agency funds for certain periodicals and other publications.

Sec. 2113.206. POSTAGE. Sets forth requirements for using state agency funds for postage.

Sec. 2113.207. INDOOR PLANTS. Prohibits a state agency from using funds for purchasing or maintaining indoor plants.

Sec. 2113.208. STATE FACILITIES FOR MEETINGS AND CONFERENCES. Sets forth requirements for using state facilities.

SUBCHAPTER E. SPECIFICALLY AUTHORIZED USES OF GOODS AND SERVICES

Sec. 2113.301. EMPLOYEE AWARDS. Sets forth requirements for using state agency funds for employee awards.

Sec. 2113.302. VOLUNTEER AWARDS. Sets forth requirements for using state agency funds for volunteer awards.

Sec. 2113.303. EXAMINATION FEES. Sets forth requirements for using state agency funds for examination fees.

SECTION 37. Amends Section 2152.064, Government Code, by amending Subsection (b) and adding Subsection (d), to provide that certain files are to be filed with the Legislative Budget Board. Requires an agency to include an explanation for the need to use a nonresident bidder, for contracts with a value of \$250,000 or more. Requires certain reports to be sent to the Legislative Budget Board.

SECTION 38. Amends Section 2155.067(e), Government Code, to provide that the commission is to provide reasons for exceptions to justifications to members of the governing board, rather than a presiding officer of the agency's governing body.

SECTION 39. Amends Section 2155.073, Government Code, as follows:

Sec. 2155.073. New heading: HISTORICALLY UNDERUTILIZED BUSINESSES ASSISTANCE PROGRAM. Requires the commission to assist and foster participation of historically underutilized businesses, rather than small business, in the purchasing activities, other than construction or construction-related activity, of the state. Sets forth provisions regarding strategies for assisting and fostering such participation. Deletes certain provisions regarding working with state agencies.

SECTION 40. Amends Chapter 2155B, Government Code, by adding Section 2155.074, as follows:

Sec. 2155.074. PURCHASES FROM FEDERAL GOVERNMENT. Sets forth requirements

for certain purchases from the federal government.

SECTION 41. Amends Chapter 2155H, by adding Section 2155.4441, as follows:

Sec. 2155.4441. SERVICE CONTRACTS. Sets forth requirements for certain service contracts.

SECTION 42. Amends Chapter 2155H, Government Code, by adding Section 2155.449, as follows:

Sec. 2155.449. PREFERENCE FOR PRISON-PRODUCED GOODS. Requires the commission and certain state agencies to purchase certain goods produced by the Texas Department of Criminal Justice.

SECTION 43. Amends Section 2161.001, Government Code, to define "economically disadvantaged person" and "state agency." Redefines "historically underutilized business." Deletes the definition for "socially disadvantaged person." Makes conforming changes.

SECTION 44. Amends Section 2161.002, Government Code, by adding Subsection (c), to provide that federal law prevails and the commission is authorized to administer this chapter consistent with federal law if a conflict exists between this chapter and rules adopted under this chapter and the requirements of federal law.

SECTION 45. Amends Chapter 2161A, Government Code, by adding Section 2161.003, as follows:

Sec. 2161.003. ADOPTION OF RULES BY STATE AGENCY. Requires state agencies to adopt for the administration of their historically underutilized business programs the rules adopted by the commission. Authorizes each state agency to develop supplemental rules to the commission's rules if the rules are consistent with commission rules; and based on the disparity study.

SECTION 46. Amends Section 2161.122, Government Code, to require state agencies to report to the commission certain information on businesses classified as owned by economically disadvantaged persons and by gender, with regard to the expenditure of both treasury and nontreasury funds. Makes conforming changes.

SECTION 47. Amends Chapter 2161, Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. ACTIONS FOR AGENCY NONCOMPLIANCE

Sec. 2161.301. ACCOUNTABILITY OF STATE AGENCIES. Requires the state auditor to report to the commission a state agency that is not complying with this chapter. Authorizes the commission, if an agency is found by the state auditor not to be in compliance with this chapter, to revoke any purchasing authority that the commission had delegated to the agency. Authorizes the comptroller, if the commission revokes an agency's delegated purchasing authority under this subsection, to consider that fact in the event the commission needs a transfer of the violating agency's appropriated funds to cover the costs to the commission of assuming the violating agency's purchasing functions. Requires the amount of transfer from the violating agency's funds to the commission to be in an amount determined by the Legislative Budget Board.

SECTION 48. Amends Chapter 2166F, Government Code, by adding Section 2166.2551, as follows:

Sec. 2166.2551. CONTRACT NOTIFICATION. Sets forth requirements for contract notifications.

SECTION 49. Amends Section 2166.259(a), Government Code, to provide that this section

applies only to a contract for a public work project for which the combined estimated cost of all projects exceeds an aggregate contractual value of \$100 million. Makes conforming changes.

SECTION 50. Amends Chapter 2166F, Government Code, by adding Section 2166.260, as follows:

Sec. 2166.260. SMALL CONTRACTOR PARTICIPATION ASSISTANCE PROGRAM. Provides that this section applies only to certain public work projects. Defines "program," "public works project," and "small contractor." Requires a state agency or institution of higher education having a public works project described under this section to establish a small contractor participation assistance program to ensure full opportunity for participation in public works projects by small contractors. Sets forth the requirements of a program under this section. Requires a state agency or institution of higher education having a public works project described by this section to provide for the purchasing of certain insurance coverages. Requires a technical assistance plan adopted by a state agency or institution of higher education having a public works project described by this section to include certain information and certain assistance. Authorizes a state agency or institution of higher education having a public works project described by this section to negotiate contracts with persons or firms having expertise in the areas that must be included in the agency's or institution's technical assistance plan to provide the information and assistance. Authorizes a state agency or institution of higher education to consult with the commission when implementing a small contractor participation assistance program.

SECTION 51. Amends Chapter 2166H, Government Code, by adding Section 2166.357, as follows:

Sec. 2166.357. CONSTRUCTION STANDARDS. Requires a state agency responsible for the construction of a structure or facility or the repair or rehabilitation of an existing structure or facility to ascertain that the project complies with applicable standards for new construction, repair, or rehabilitation adopted under this subtitle and to file a statement to that effect with the comptroller.

SECTION 52. Amends Section 2170.001(a), Government Code, by adding Subdivision (3), to define "state agency."

SECTION 53. Amends Chapter 2170A, Government Code, by adding Sections 2170.009-2170.011, as follows:

Sec. 2170.009. PAY TELEPHONES AUTHORIZED. Sets forth requirements for locations of pay station telephones.

Sec. 2170.010. COST OF NOT USING STATE TELEPHONE SYSTEM. Sets forth the costs of not using the state telephone system.

Sec. 2170.011. UNLISTED TELEPHONE NUMBERS PROHIBITED. Prohibits a state agency from having unlisted phone numbers, with exceptions.

SECTION 54. Amends Section 2170.051, Government Code, as follows:

Sec. 2170.051. New heading: MANAGEMENT AND USE OF SYSTEM. Sets forth requirements for a state agency using telecommunication systems.

SECTION 55. Amends Chapter 2204, Government Code, by adding Sections 2203.004-2203.006, as follows:

Sec. 2203.004. PREPARATION AND SALE OF HEARINGS TRANSCRIPTS. Sets forth requirements and procedures for selling hearings transcripts.

Sec. 2203.005. REQUIREMENT TO USE STATE PROPERTY FOR STATE PURPOSES.

Requires state property to be used for state purposes. Prohibits state property from being entrusted to a state officer or employee or to any person if the property is not used for state purposes.

Sec. 2203.006. VENDING MACHINES AUTHORIZED. Sets forth requirements for placement of vending machines in a state building.

SECTION 56. Amends Chapter 2254A, Government Code, by adding Section 2254.0031, as follows:

Sec. 2254.0031. INDEMNIFICATION. Sets forth requirements for indemnification of certain contractors.

SECTION 57. Amends Chapter 2254A, Government Code, by adding Section 2254.006, as follows:

Sec. 2254.006. CONTRACT NOTIFICATION. Sets forth notice requirements for contracts under this subchapter. Defines "state agency."

SECTION 58. Amends Chapter 2254B, by adding Section 2254.0301, as follows:

Sec. 2254.0301. CONTRACT NOTIFICATION. Sets forth notice requirements for contracts under this subchapter. Defines "state agency."

SECTION 59. Amends Section 2256.005, Government Code, by adding Subsection (n), to require an investment officer of an investing entity to submit certain reports to the governing body of the investing entity. Sets forth the requirements of the report.

SECTION 60. Amends Chapter 11D, Natural Resources Code, by adding Section 11.0791, as follows:

Sec. 11.0791. OTHER PROVISIONS REGARDING ACCESS TO STATE LANDS. Requires the state to have an ingress and egress on certain property. Prohibits a governmental state agency from spending funds for any purpose not specifically authorized by statute with a person who denies the state access by easement to landlocked state properties.

SECTION 61. Amends Chapter 11D, Natural Resources Code, by adding Section 11.083, as follows:

Sec. 11.083. RETENTION OF MINERAL RIGHTS. Requires the state to retain mineral rights to land that is sold, if practical.

SECTION 62. Amends Section 34.057, Natural Resources Code, by adding Subsections (e) and (f), to require a board for lease to include certain provisions in all mineral leases.

SECTION 63. Amends Section 21.003(a), Labor Code, to authorize the Texas Commission on Human Rights (human rights commission), among other duties, to require state agencies and public institutions or systems of higher education to develop and implement narrowly tailored hiring policies and procedures as determined by the human rights commission that shall be incorporated into a work force diversity program until the current affairs of past discrimination or exclusion in certain classifications of otherwise qualified persons have been fully remedied as certified by the human rights commission; and to adopt rules and guidelines defining the policies, procedures, actions, and reporting requirements for the implementation of Subdivision (10) and Section 21.502, Labor Code.

SECTION 64. Amends Chapter 21, Labor Code, by adding Subchapter I, as follows:

SUBCHAPTER I. WORK FORCE UTILIZATION ANALYSIS

Sec. 21.501. LEGISLATIVE FINDING. Provides that the legislature finds that due to the current effects of past discrimination or exclusion certain classifications of otherwise qualified persons have been denied equal employment opportunities by certain state agencies and public institutions or systems of higher education.

Sec. 21.502. REPORTING. Requires the human rights commission to conduct annual work force utilization analyses for state agencies and public institutions or systems of higher education and to report its findings to the legislature at the beginning of each biennium. Requires any state agency or public institution or system of higher education that fails to comply with the annual reporting requirements established by the human rights commission to pay to the human rights commission a penalty not to exceed \$2,000 from funds appropriated by the legislature for each reporting period that the state agency or public institution or system of higher education fails to comply.

SECTION 65. Effective date: September 1, 1997.

SECTION 66. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 321, Government Code, by adding Section 321.0137, to set forth the meaning and purpose of a historically underutilized business program audit.

SECTION 2.

Amends Section 321.014(c), Government Code, to require the State Auditor to file a copy of each report with the General Services Commission, for certain audits.

Redesignates former SECTION 2 as SECTION 3.

SECTION 4.

Amends Section 325.011, Government Code, to include the extent to which the agency has complied with the requirements of state statutes and agency rules regarding purchasing goals and programs among criteria for review by the Sunset Advisory Commission and its staff. Redesignates former SECTION 3 as SECTION 5.

SECTION 6.

Amends Section 403.021, Government Code, to set forth the terms by which a state agency that expends appropriated funds is required to report certain information into the uniform statewide accounting system by a certain date, rather than not later than October 30 of each year. Requires each state agency to reconcile certain expenditures and binding encumbrances reported in the uniform statewide accounting system with the state agency's strategic planning and budget structure. Deletes the provision regarding the application of this subsection.

SECTION 7.

Amends Chapter 552C, Government Code, by adding Section 552.125, to provide an exception for certain documents submitted for certification as historically underutilized business from the requirements of Section 552.021.

Redesignates former SECTIONS 4-7 as SECTIONS 8-11, and deletes proposed Section 658.009, Government Code.

SECTION 12.

Amends Section 659.005, Government Code, to authorize a state officer or employee who appears as an expert witness in a judicial proceeding or legislative hearing to accept reimbursement for travel expenses under certain circumstances.

SECTION 13.

Amends Section 659.015, Government Code, to provide that this section applies to an employee of the lieutenant governor, or of a legislative agency. Changes the provisions regarding compensatory time allowed an employee who does not work more than 40 hours in a workweek, but who satisfies other conditions.

Amends Section 659.016, Government Code, to change the heading to read, "OVERTIME COMPENSATION FOR EMPLOYEES NOT SUBJECT TO FAIR LABOR STANDARDS ACT; REDUCTIONS IN PAY." Makes conforming changes.

Amends Section 659.017, Government Code, to delete the provision stating that Sections 659.015 and 659.016 do not apply to employees of the legislative branch of state government, including employees of the lieutenant governor.

Redesignates former SECTIONS 10 and 11 as SECTIONS 14 and 15, and SECTION 31 as SECTION 16.

SECTION 17.

Amends Section 661.062, Government Code, to set forth the terms by which a state employee is entitled to be paid for the accrued balance of the employee's vacation time as of the date of separation from state employment. Establishes the conditions under which payment for accrued vacation leave for employees of the legislative branch is determined. Deletes former SECTIONS 12-30.

SECTION 18.

Redesignates SECTION 18 from SECTION 32.

Amends Section 661.151, Government Code, to delete the provision regarding applicability of the subchapter and to add a provision regarding state auditor interpretations.

Amends Section 661.152, Government Code, to add a provision regarding previously accrued vacation leave if a person is reemployed by a state agency.

Adds Section 661.153, Government Code, regarding vacation leave for legislative employees.

Amends Section 661.201, Government Code, to add a provision regarding applicability of Subchapter G.

Amends Section 661.251, Government Code, to add a provision regarding an employee of a legislative agency.

Amends Section 661.901, Government Code, to make a conforming change.

Amends Section 661.904, Government Code, to delete a provision regarding the Texas National Guard and a reduction in salary.

Deletes proposed Section 661.909, Government Code, and redesignates Sections 661.910-661.914, Government Code, as Sections 661.909-661.913, Government Code.

Amends Section 661.909, Government Code, to add a provision regarding reemployment at the conclusion of a specified period of leave.

Amends Section 661.912, Government Code, to make nonsubstantive changes.

Adds Section 661.914, Government Code, to add a provision regarding time off for voting by state employees.

SECTION 19.

Adds Section 662.003(b), Government Code, to delete the provision providing that every day on which an election is held throughout the state is a state holiday.

SECTIONS 20-25.

Redesignates SECTIONS 20-25 from SECTIONS 33-38.

SECTION 26.

Amends Chapter 2001B, Government Code, by adding Section 2001.039, to set forth the terms by which a state agency is required to review each of its rules in accordance with this section.

Redesignates former SECTION 39 as SECTION 27.

SECTION 28.

Amends Section 2054.092, Government Code, to delete the proposed amendment regarding providing a strategic direction for information resources management in state government for the proposed four fiscal years following the adoption of the plan.

SECTIONS 29-30.

Redesignates SECTIONS 29-30 from SECTIONS 41-42.

SECTION 31.

Redesignated from proposed SECTION 43.

SECTION 32.

Amends Section 2101.0111, Government Code, to require the executive head of each state agency to submit an annual financial report not later than the 70th, rather than the 90th, day after the close of fiscal year 1999, rather than the fiscal year. Deletes proposed Subsection (8) and proposed Section 2101.0112. Redesignated from proposed SECTION 44.

SECTION 33.

Redesignated from proposed SECTION 45.

SECTION 34.

Redesignated from proposed SECTION 46.

SECTION 35.

Redesignated from proposed SECTION 47. Defines "state agency."

SECTION 36.

Redesignated from proposed SECTION 48. Amends Title 10C, Government Code, to amend the proposed definition of "state agency."

SECTION 37.

Redesignated from proposed SECTION 49.

SECTION 38.

Redesignated from proposed SECTION 50.

SECTION 39.

Amends Section 2155.073, Government Code, to add a new SECTION.

SECTION 40.

Redesignated from proposed SECTION 51.

SECTIONS 41-42.

Amends Sections 2155.4441 and 2155.449, Government Code, redesignated from SECTIONS 52 and 53.

SECTION 43.

Amends Section 2161.001, Government Code, to propose revised definitions.

SECTION 44.

Amends Section 2161.002, Government Code, to propose Subsection (c).

SECTION 45.

Amends Chapter 2161A, Government Code, by adding Section 2161.003, relating to adoption of rules by a state agency.

SECTION 46.

Amends Section 2161.122, Government Code, to propose Subsection (c).

SECTION 47.

Amends Chapter 2161, Government Code, to propose Subchapter F, regarding actions for agency noncompliance.

SECTION 48.

Amends Chapter 2166F, Government Code, redesignated from SECTION 55. Deletes proposed changes to Chapter 2166D, Government Code, designated in SECTION 54.

SECTION 49.

Amends Section 2166.259(a), Government Code, to revise Subsection (a).

SECTION 50.

Amends Chapter 2166F, Government Code, to propose Section 2166.260.

SECTION 51.

Amends Chapter 2166H, Government Code, to propose Section 2166.357.

SECTIONS 52-62.

Revisions previously designated in SECTIONS 56-66. Omits proposed SECTION 67, regarding proposed statutes.

SECTION 63.

Amends Section 21.003(a), Labor Code, to revise the duties of the Texas Commission on Human Rights.

SECTION 64.

Amends Chapter 21, Labor Code, by adding Subchapter I, relating to work force utilization analyses.

SECTION 65.

Effective date. Previously designated in SECTION 68.

SECTION 66.

Emergency clause. Previously designated in SECTION 69.