

CHAPTER 360

H.B. No. 460

An Act relating to the improvement of economy and efficiency in state government; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Commission on Economy and Efficiency in State Government.

(2) "State agency" means:

(A) a board, commission, department, institution, office, or other agency in state government (other than an institution of higher education as defined by Section 61.003, Education Code) or its entities that is created by the constitution or by a statute of this state; or

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or other agency in the judicial branch of state government.

SECTION 2. COMMISSION; MEMBERS. (a) The Texas Commission on Economy and Efficiency in State Government is created.

(b) The commission is composed of 15 members. Two members shall be state senators. Two members shall be state representatives. The remaining members of the commission shall be representatives of the general public. The governor shall appoint five members. The lieutenant governor shall appoint five members, including the state senators. The speaker of the house shall appoint five members, including the representatives. The governor, lieutenant governor, and speaker of the house shall attempt to balance the appointments among various geographic areas of the state. Appointments to the commission shall be made without regard to the race, color, handicap, age, or national origin of the appointee. Members serve four-year terms.

(c) The governor, lieutenant governor, and speaker of the house of representatives together shall appoint one individual to serve as the executive director of the commission.

(d) A vacancy on the commission shall be filled for the unexpired part of the term in the same manner in which the original appointment was made.

(e) The governor shall appoint the chairman of the commission. The chairman shall have a vote on all matters before the board. A majority constitutes a quorum for the transaction of business.

(f) The commission shall meet at least once every two months. The commission may meet at other times at the call of the chairman.

(g) A member of the commission may not receive compensation for serving on the commission. A member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the commission.

(h) A person who is a state employee or who receives reimbursement through a contract with the state may not be a member of the commission. This provision does not apply to legislative members of the commission.

(i) The commission is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 3. GENERAL POWERS AND DUTIES OF COMMISSION. (a) The commission shall conduct a comprehensive review of the operation and administration of each state agency to identify opportunities for better use of available state funds by eliminating waste and reducing or avoiding costs. The commission shall recommend to each agency procedures for improving the efficiency and effectiveness of the agency without reducing its level of service. The commission shall include a brief description of the recommendations made to each agency in its reports to the legislature under Section 4 of this Act. The commission may also include drafts of legislation necessary to carry out its recommendations and shall have the

assistance of the Texas Legislative Council in drafting necessary legislation. The commission shall determine its agenda of work for each biennium and shall include a description of that agenda in its reports to each legislature under Section 4 of this Act.

(b) The commission shall conduct an analysis of the organization, operations, and productivity of each state agency to determine the feasibility of:

- (1) reorganizing, consolidating, or otherwise streamlining functions performed by the agency;
- (2) reducing personnel requirements;
- (3) improving space use;
- (4) increasing the agency's capacity to deliver services and improving its responsiveness to citizens;
- (5) improving energy conservation by the agency;
- (6) curbing the proliferation of paperwork and the costs of processing and storing paperwork;
- (7) more cost-effective purchasing procedures;
- (8) improving word-processing, computer, and other information systems;
- (9) decreasing costs associated with motor vehicles and other equipment owned or operated by the agency;
- (10) improving internal budgeting and financial administration procedures;
- (11) improving staff training and professional development programs;
- (12) improving the performance of agency administrators;
- (13) establishing techniques for the measurement of productivity and the evaluation of employee performance;
- (14) establishing policies and procedures to limit and control the amount of administrative costs allocated to programs of state agencies, including the development of an across-the-board definition of administrative costs that would apply to all state agencies; and
- (15) other methods or procedures designed to improve the use of state funds.

(c) If the legislature or the governor appoints a task force to study the operation and administration of state institutions of higher education, the commission shall conduct its analysis in conjunction with the task force and shall coordinate its activities with those of the task force.

(d) The commission shall review the operation of any financial incentive programs for state employees created to provide awards for employees who devise ways of reducing or eliminating expenses or improving operations. If such a program does not exist on the effective date of this Act, the commission shall examine the feasibility of creating such a program.

(e) The commission may receive and spend grants and donations from private entities to fund part of the costs of administering this Act.

SECTION 4. REPORTS. The commission shall prepare annual written reports relating to techniques and procedures for improving the efficiency and economy of state government and providing suggestions for the implementation of those techniques and procedures. The commission shall present such a report to the governor and the legislature during each regular session and during each interim between regular sessions. One of the reports to the governor and the legislature must include an analysis and evaluation of the state fiscal note process as it relates to the development of state fiscal policies and plans.

SECTION 5. RETALIATION PROHIBITED. If a state or local governmental employee makes a proposal, or otherwise reports, to the Texas Commission on Economy and Efficiency in State Government, the identity of said employee, if so requested, shall be and shall remain confidential. To the extent necessary to protect the secrecy of the employee's identity, the information divulged by the employee shall also be, and remain, confidential. A state or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports to the Texas Commission on Economy and Efficiency in State Government under this Act. Nothing in this Act shall be construed to require the confidentiality of the identity of an employee who regularly works with and reports to the Texas Commission on Economy and Efficiency in State Government as part of his regular and normal employment duties. A person who breaches the confidentiality herein required commits a Class C misdemeanor.

SECTION 6. ROLE OF LEGISLATIVE COUNCIL. The Texas Legislative Council shall employ the staff of the commission and shall pay the expenses of the commission from appropriations made to the legislative council for that purpose.

SECTION 7. ASSISTANCE FROM BUDGET BOARD, LEGISLATIVE COUNCIL, SUNSET COMMISSION, AND COMMISSION ON INTERGOVERNMENTAL RELATIONS. The staffs of the Legislative Budget Board, the Texas Legislative Council, the Texas Advisory Commission on Intergovernmental Relations, and the Texas Sunset Commission shall assist the commission in performing its duties under this Act to the extent feasible.

SECTION 8. EFFECTIVE DATE; EXPIRATION. This Act takes effect September 1, 1985. This Act expires and the commission is abolished September 1, 1989. The commission shall hold its first meeting not later than the 60th day after the effective date of this Act.

SECTION 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 14, 1985, by the following vote: Yeas 120, Nays 13, 1 present, not voting; House concurred in Senate amendments to H.B. No. 460 on May 17, 1985, by a non-record vote.; passed by the Senate, with amendments, on May 15, 1985, by a viva-voce vote.

Approved: June 10, 1985

Effective: September 1, 1985