

BILL ANALYSIS

C.S.H.B. 76
By: Flynn
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Law enforcement and homeland security agencies often are hampered by administrative rules that hinder the performance of their duties and consequently impair the safety and security of Texans. C.S.H.B. 76 exempts such agencies from certain contracting rules relating to the purchase of law enforcement equipment in situations in which following procedural requirements would be detrimental to homeland security.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 76 amends the Government Code to authorize the governing body of a state agency that performs a law enforcement function to exempt the state agency from the purchasing procedures under the State Purchasing and General Services Act or under statutory provisions relating to contracts with governmental entities for the purpose of purchasing equipment related to the agency's law enforcement functions if the governing body obtains a written opinion from the comptroller of public accounts or the Legislative Budget Board on whether the procedures should be waived and, after considering the written opinion, determines that following those procedures would negatively impact homeland security or impair the agency's ability to perform the agency's law enforcement functions. The bill prohibits the governing body from exempting the agency from purchasing procedures under statutory provisions governing the following aspects of state purchasing:

- the general rules and procedures for state purchasing and state contracting procedures relating to the use of requests for proposals and competitive bidding;
- the use of credits cards to pay for purchases by a state agency;
- the purchase of automated information systems relating to the use of requests for proposal, competitive sealed proposals, competitive sealed bidding, and informal competitive bidding;
- access by historically underutilized businesses to opportunities to compete for state contracts;
- general and specific provisions for state agency use of state travel services;
- restrictions on an award of a contract with a governmental entity to a nonresident bidder;
or
- public contracts with disadvantaged or historically underutilized businesses.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 76 differs from the original by authorizing the governing body of a state agency that performs a law enforcement function to exempt the agency from certain purchasing procedures, whereas the original exempts the agency's governing body from those purchasing procedures.

C.S.H.B. 76 contains provisions not included in the original making such exemption contingent on the governing body obtaining a written opinion from the comptroller of public accounts or the Legislative Budget Board on whether those procedures should be waived and requiring the governing body to consider such written opinion before making a determination regarding those procedures.

C.S.H.B. 76 contains provisions not included in the original prohibiting an exemption of a state agency from certain government purchasing laws and making a conforming change reflective of that prohibition as an exception to the general exemption provided to such agencies.