

BILL ANALYSIS

H.B. 3852
By: Longoria
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the state would benefit from clarifying and streamlining certain powers and duties in the state government procurement process. H.B. 3852 seeks to do so by making changes with regard to attorney disclosures, multiple award contract schedule rebates, and the use of state travel services contracts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 3852 amends the Government Code to require the comptroller of public accounts to notify a state agency purchasing a good or service through a contract listed on the multiple award contract schedule of the percentage used to calculate the rebate that the comptroller may collect from the contract vendor. The bill removes the requirement for the comptroller to ensure that, to the extent a purchase resulting in a rebate from a vendor under a contract listed on that schedule was made with federal funds, the appropriate portion of the rebate is reported to the purchasing agency for reporting and reconciliation purposes with the appropriate federal funding agency.

H.B. 3852 authorizes an officer or employee of a local workforce development board or of a governmental entity that is a party to an interstate compact, interagency agreement, or cooperative purchasing agreement who is engaged in official business of the board or governmental entity, as applicable, to participate in the comptroller's contract for travel services. The bill authorizes the comptroller to charge a participating board or governmental entity a fee not to exceed the costs incurred by the comptroller in providing the services and requires the comptroller to periodically review and adjust the fees as necessary to ensure recovery of costs incurred.

H.B. 3852 exempts an attorney who holds a license to practice law in Texas and who has not been disciplined by the State Bar of Texas for a violation of the Texas Disciplinary Rules of Professional Conduct from the requirement for state agency purchasing personnel working on a major contract for the purchase of goods or services by the state agency to submit a certain nepotism disclosure.

H.B. 3852 reenacts Section 2252.002, Government Code, as amended by Chapters 1127 (H.B. 1050) and 1404 (H.B. 3648), Acts of the 83rd Legislature, Regular Session, 2013, to

conform to changes made by Chapter 1404 (H.B. 3648), Acts of the 83rd Legislature, Regular Session, 2013, relating to the award of a governmental contract to a nonresident bidder.

EFFECTIVE DATE

September 1, 2019.