

By: Longoria

H.B. No. 3852

A BILL TO BE ENTITLED

AN ACT

1
2 relating to purchasing and contracting by governmental entities;
3 authorizing fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2155.510, Government Code, is amended to
6 read as follows:

7 Sec. 2155.510. REBATES. (a) The comptroller [~~commission~~]
8 may collect a rebate from a vendor under a contract listed on a
9 schedule developed under this subchapter.

10 (b) The comptroller shall notify a state agency purchasing a
11 good or service through a contract listed on a schedule developed
12 under this subchapter of the percentage used to calculate the
13 rebate authorized under Subsection (a) [~~If a purchase resulting in~~
14 ~~a rebate under this section is made in whole or in part with federal~~
15 ~~funds, the commission shall ensure that, to the extent the purchase~~
16 ~~was made with federal funds, the appropriate portion of the rebate~~
17 ~~is reported to the purchasing agency for reporting and~~
18 ~~reconciliation purposes with the appropriate federal funding~~
19 ~~agency].~~

20 SECTION 2. Section 2171.055, Government Code, is amended by
21 adding Subsections (k) and (l) to read as follows:

22 (k) An officer or employee of a local workforce development
23 board who is engaged in official board business may participate in
24 the comptroller's contract for travel services. The comptroller

1 may charge a participating board a fee not to exceed the costs
2 incurred by the comptroller in providing services under this
3 subsection. The comptroller shall periodically review the fees and
4 adjust the fees as necessary to ensure recovery of costs incurred in
5 providing services to a local workforce development board under
6 this subsection. In this subsection, "local workforce development
7 board" means a local workforce development board created under
8 Chapter [2308](#).

9 (1) An officer or employee of a governmental entity who is
10 engaged in official business of the governmental entity may
11 participate in the comptroller's contract for travel services. The
12 comptroller may charge a participating governmental entity a fee
13 not to exceed the costs incurred by the comptroller in providing
14 services under this subsection. The comptroller shall periodically
15 review the fees and adjust the fees as necessary to ensure recovery
16 of costs incurred in providing services to governmental entities
17 under this subsection. This subsection applies only to a
18 governmental entity that is a party to a compact, interagency
19 agreement, or cooperative purchasing agreement under Section
20 [2156.181](#).

21 SECTION 3. Section [2252.002](#), Government Code, as amended by
22 Chapters 1127 (H.B. 1050) and 1404 (H.B. 3648), Acts of the 83rd
23 Legislature, Regular Session, 2013, is reenacted to read as
24 follows:

25 Sec. 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A
26 governmental entity may not award a governmental contract to a
27 nonresident bidder unless the nonresident underbids the lowest bid

1 submitted by a responsible resident bidder by an amount that is not
2 less than the greater of the following:

3 (1) the amount by which a resident bidder would be
4 required to underbid the nonresident bidder to obtain a comparable
5 contract in the state in which the nonresident's principal place of
6 business is located; or

7 (2) the amount by which a resident bidder would be
8 required to underbid the nonresident bidder to obtain a comparable
9 contract in the state in which a majority of the manufacturing
10 relating to the contract will be performed.

11 SECTION 4. Section [2262.004](#), Government Code, is amended by
12 adding Subsection (e) to read as follows:

13 (e) This section does not apply to an attorney who:

14 (1) holds a license to practice law in this state; and

15 (2) has not been disciplined by the State Bar of Texas

16 for a violation of the Texas Disciplinary Rules of Professional
17 Conduct.

18 SECTION 5. This Act takes effect September 1, 2019.