

BILL ANALYSIS

C.S.H.B. 1118
By: Kacal
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the State Council on Competitive Government has outlived its usefulness in the state procurement process and that its continued existence represents unnecessary state bureaucracy. C.S.H.B. 1118 seeks to abolish the council.

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

C.S.H.B. 1118 abolishes the State Council on Competitive Government and repeals Government Code provisions relating to the establishment and administration of the council. The bill establishes that the validity of an action taken by or in connection with the authority of the council before the date the agency is abolished is not affected by the abolishment. The bill transfers all powers and duties of the council to the comptroller of public accounts; establishes that a rule, form, policy, procedure, or decision of the council continues in effect as a rule, form, policy, procedure, or decision of the comptroller until superseded by an act of the comptroller; establishes that a reference in law to the State Council on Competitive Government means the comptroller; transfers without change in status any action or proceeding before the council to the comptroller and establishes that the comptroller assumes, without a change in status, the position of the council in any action or proceeding to which the council is a party; transfers all money, contracts, leases, rights, bonds, and obligations of the council to the comptroller; establishes that all personal property, including records, in the council's custody becomes the comptroller's property; and transfers all funds appropriated by the legislature to the council to the comptroller.

C.S.H.B. 1118 amends the Government Code to make the Department of Information Resources responsible for certain powers and duties previously invested in the council under statutory provisions relating to the electronic benefits enrollment and administration system.

C.S.H.B. 1118 amends the Human Resources Code to clarify that the Health and Human Services Commission (HHSC) is solely responsible for awarding a contract under the vendor drug program operated under Medicaid. The bill authorizes HHSC to consult with the comptroller in administering statutory provisions relating to the vendor drug program and related competitive bidding requirements.

C.S.H.B. 1118 amends the Parks and Wildlife Code and the Transportation Code to make

conforming changes.

C.S.H.B. 1118 repeals Family Code provisions governing competitive bidding for child support collection services.

C.S.H.B. 1118 repeals the following provisions:

- Section 161.037(b), Agriculture Code
- Chapter 236, Family Code
- Section 662.0071(c), Government Code
- Section 670.003, Government Code
- Chapter 2162, Government Code
- Section 2163.001(d), Government Code
- Section 11.153(b), Parks and Wildlife Code

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1118 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 236.002, Family Code, is amended to read as follows:

No equivalent provision.

Sec. 236.002. POWERS AND DUTIES [OF COUNCIL]. (a) The Title IV-D agency [council] shall:

- (1) establish an initiative called "Kids Can't Wait" to increase child support enforcement;
- (2) identify child support enforcement functions [performed by the Title IV-D agency] that may be competitively bid;
- (3) establish guidelines for referral of child support enforcement cases to a contractor;
- (4) [after consulting with the Title IV-D agency, make recommendations regarding competitive bidding of child support enforcement functions that are identified under Subdivision (2);
- [(5)] consider the benefits of the state's participation in an electronic parent locator network or a similar national service designed to locate parents who owe child support;
- (5) [(6)] study the feasibility of cost recovery options in child support collection actions for children who do not receive public assistance; and
- (6) [(7)] engage in other activities necessary for the administration of this chapter.

(b) The Title IV-D agency shall coordinate with the comptroller [~~council~~] regarding competitive bidding of child support enforcement functions identified under this section.

(c) [~~A member of the council may designate an employee of the state agency represented by the member to perform any of the member's powers or duties under this section.~~

[~~(d)~~] The Title IV-D agency shall cooperate with the comptroller [~~council~~] if requested by the comptroller [~~council~~].

SECTION 2. Section 662.0071(a), Government Code, is amended.

SECTION 3. Sections 2054.131(b) and (d), Government Code, are amended.

SECTION 4. Section 2171.104(a), Government Code, is amended.

SECTION 5. Section 32.0461, Human Resources Code, is amended.

SECTION 6. Sections 11.0255(b) and (c), Parks and Wildlife Code, are amended.

SECTION 7. Section 223.042(d), Transportation Code, is amended.

SECTION 8. The following laws are repealed:

- (1) Section 161.037(b), Agriculture Code;
- (2) **Section 236.001**, Family Code;
- (3) Section 662.0071(c), Government Code;
- (4) Section 670.003, Government Code;
- (5) Chapter 2162, Government Code;
- (6) Section 2163.001(d), Government Code; and
- (7) Section 11.153(b), Parks and Wildlife Code.

SECTION 9. (a) On the effective date of

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. The following laws are repealed:

- (1) Section 161.037(b), Agriculture Code;
- (2) **Chapter 236**, Family Code;
- (3) Section 662.0071(c), Government Code;
- (4) Section 670.003, Government Code;
- (5) Chapter 2162, Government Code;
- (6) Section 2163.001(d), Government Code; and
- (7) Section 11.153(b), Parks and Wildlife Code.

SECTION 8. Same as introduced version.

this Act, the State Council on Competitive Government is abolished.

(b) The validity of an action taken by or in connection with the authority of the State Council on Competitive Government before the date the agency is abolished is not affected by the abolition.

SECTION 10. On the effective date of this Act:

(1) all powers and duties of the State Council on Competitive Government are transferred to the comptroller;

(2) a rule, form, policy, procedure, or decision of the State Council on Competitive Government continues in effect as a rule, form, policy, procedure, or decision of the comptroller until superseded by an act of the comptroller;

(3) a reference in law to the State Council on Competitive Government means the comptroller;

(4) any action or proceeding before the State Council on Competitive Government is transferred without change in status to the comptroller and the comptroller assumes, without a change in status, the position of the State Council on Competitive Government in any action or proceeding to which the State Council on Competitive Government is a party;

(5) all money, contracts, leases, rights, bonds, and obligations of the State Council on Competitive Government are transferred to the comptroller;

(6) all personal property, including records, in the custody of the State Council on Competitive Government becomes the property of the comptroller; and

(7) all funds appropriated by the legislature to the State Council on Competitive Government are transferred to the comptroller.

SECTION 11. This Act takes effect September 1, 2017.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.