

By: Curry

H.B. No. 4936

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Department of Marketing Services.

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

SECTION 1. Subtitle D, Title 10, Government Code, is amended by adding Chapter 2178 to read as follows:

CHAPTER 2178. DEPARTMENT OF MARKETING SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2178.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of the department.

(2) "Department" means the Department of Marketing Services.

(3) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section [61.003](#), Education Code.

Sec. 2178.002. SUNSET PROVISION. The department is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2037.

Sec. 2178.003. RULES. The department may adopt rules as necessary to accomplish its purposes under this chapter.

SUBCHAPTER B. ADMINISTRATION OF DEPARTMENT

Sec. 2178.021. COMPOSITION OF BOARD; TERMS. (a) The department is governed by a board composed of seven members appointed by the governor with the advice and consent of the senate. One member must be employed by an institution of higher education as defined by Section 61.003, Education Code.

(b) Members of the board serve for staggered six-year terms with two or three members' terms expiring February 1 of each odd-numbered year.

Sec. 2178.022. QUALIFICATIONS. (a) To be eligible to serve as a member of the board, a person appointed to the board must complete at least one course of a training program that complies with this section.

(b) A board member must complete a training program that complies with Subsection (c) not later than the 180th day after the date the person begins serving as a member of the board.

(c) The training program must provide information to the person regarding:

(1) this chapter and the board to which the person is appointed to serve;

(2) the programs operated by the department;

(3) the role and functions of the department;

(4) the rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the department;

(6) the results of the most recent formal audit of the department;

1 (7) the requirements of Chapters 551, 552, and 2001;

2 (8) the requirements of the conflict of interest laws
3 and other laws relating to public officials;

4 (9) any applicable ethics policies adopted by the
5 department or the Texas Ethics Commission; and

6 (10) contract management training.

7 (d) A person appointed to the board is entitled to
8 reimbursement for travel expenses incurred in attending the
9 training program, as provided by the General Appropriations Act and
10 as if the person were a member of the board.

11 Sec. 2178.023. VACANCY. A vacancy on the board shall be
12 filled in the same manner as the original appointment. A member
13 appointed to fill a vacancy on the board shall serve for the
14 remainder of the unexpired term.

15 Sec. 2178.024. OFFICERS. (a) The governor shall designate
16 a member of the board to serve as presiding officer at the
17 discretion of the governor.

18 (b) The board may elect other officers as the board
19 determines necessary.

20 SUBCHAPTER C. PURPOSE OF DEPARTMENT

21 Sec. 2178.041. PURPOSE. The department is responsible for
22 reviewing each request received by the department under Section
23 2178.043 and approving or disapproving the expenditure for
24 marketing purposes that is the subject of the request.

25 Sec. 2178.042. APPROVAL REQUIRED FOR MARKETING
26 EXPENDITURE. Notwithstanding any other law, a state agency may not
27 spend state money for marketing purposes unless the expenditure is

1 approved by the department in the manner provided by Section
2 2178.043.

3 Sec. 2178.043. REQUEST FOR APPROVAL. (a) Subject to
4 Section 2113.011, a state agency shall apply to the department for
5 approval of an expenditure of state money for marketing purposes
6 before making the expenditure.

7 (b) The department shall review the request and shall
8 approve or disapprove the expenditure that is the subject of the
9 request not later than the 90th day after the department receives
10 the request.

11 (c) If the department disapproves the expenditure that is
12 the subject of a request, the department shall provide an
13 explanation for the denial to the state agency that submitted the
14 request.

15 (d) If the department does not respond to a request before
16 the expiration of the period described by Subsection (b), the
17 request is considered to be approved and the state agency that
18 submitted the request may make the requested expenditure.

19 SUBCHAPTER D. REPORT

20 Sec. 2178.061. REPORT BY STATE AGENCIES. The department
21 may require each state agency to report to the department, on a
22 schedule adopted by the department, the following information for
23 the period covered by the report:

24 (1) the agency's use of state money for marketing
25 purposes;

26 (2) the agency's use of money other than state money
27 for marketing purposes;

1 (3) the effect of each expenditure of money for
2 marketing purposes by the agency on the duties and functions of the
3 agency;

4 (4) the total cost incurred by the agency for
5 marketing purposes;

6 (5) the agency's rules and procedures relating to
7 expenditures for marketing purposes; and

8 (6) any other information relating to expenditures for
9 marketing purposes that the department determines is appropriate.

10 SECTION 2. As soon as possible, the governor shall appoint
11 the members of the board of the Department of Marketing Services in
12 accordance with Chapter 2178, Government Code, as added by this
13 Act. In making the initial appointments, the governor shall
14 designate two members for terms expiring February 1, 2027, two
15 members for terms expiring February 1, 2029, and three members for
16 terms expiring February 1, 2031.

17 SECTION 3. This Act takes effect September 1, 2025.