

## **BILL ANALYSIS**

Senate Research Center  
78R10314 KEG-D

H.B. 3042  
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Government Organization  
5/19/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, there are several statutory provisions relating to the administration of the Texas Building and Procurement Commission (TBPC) that are either unnecessary or need clarification to help TBPC operate more efficiently. H.B. 3042 makes statutory revisions to assist TBPC to operate in a more cost-efficient manner.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2152.051, Government Code, as follows:

Sec. 2152.051. COMPOSITION OF COMMISSION. (a) Provides that the Texas Building and Procurement Commission (TBPC) consists of five members appointed by the governor.

(b) Provides that Subsection (a) governs the composition of TBPC after January 31, 2007. Provides that on or before that date, this subsection governs the composition of TBPC. Provides that TBPC consists of seven members, of whom three members are appointed by the governor, two additional members are appointed by the governor from a list of nominees submitted by the speaker of the house of representatives, and two members are appointed by the lieutenant governor. Provides that the members serving on TBPC immediately before the effective date of the Act of the 78th Legislature, Regular Session, 2003, that amended this section and added this subsection are entitled to continue to serve on TBPC for the terms for which they were appointed if they are otherwise qualified for their positions. Provides that notwithstanding Section 2152.057, for the period in which TBPC consists of seven members under this subsection, two or three members' terms expire on January 31 of each odd-numbered year. Requires the governor, if, on or before January 31, 2007, the term of any position on TBPC expires or a vacancy is created in any position on TBPC, to appoint a person to fill the position. Provides that however, the two positions on TBPC that are filled by appointment by the governor from a list submitted by the speaker are abolished on the expiration of the positions' terms on January 31, 2007. Provides that this subsection expires September 1, 2009. Deletes Subsection (b) regarding authorizing the governor to reject certain nominees.

SECTION 2. Amends Section 2152.052(b), Government Code, to require the governor, rather than the governor and lieutenant governor, in making appointments under this section, to attempt to appoint women and members of different minority groups, including African Americans, Hispanic Americans, Native Americans, and Asian Americans.

SECTION 3. Amends Section 2152.057, Government Code, as follows:

Sec. 2152.057. TERMS. Provides that TBPC members serve staggered six-year terms

with one or two, rather than two or three, members' terms expiring January 31 of each odd-numbered year.

SECTION 4. Amends Section 2152.058(b), Government Code, to require TBPC to meet at least quarterly, rather than once each month.

SECTION 5. Amends Subchapter B, Chapter 2152, Government Code, by adding Section 2152.065, as follows:

Sec. 2152.065. REPRESENTATION ON BOARD OR COMMITTEE. Requires the executive director or the executive director's designee, if TBPC must be represented on a board or committee, to serve as TBPC's representative on the board or committee unless the presiding officer of TBPC elects to personally serve as TBPC's representative or appoints a specific person to serve as TBPC's representative on the board or committee.

SECTION 6. Amends Section 2152.104(a), Government Code, to require TBPC to have an appropriate number of, rather than three, associate deputy directors.

SECTION 7. Amends Section 2172.001(a), Government Code, to authorize, rather than require, TBPC operate a central supply store at which only state agencies, the legislature, and legislative agencies may obtain small supply items. Requires TBPC, if TBPC operates a central supply store, to devise an appropriate method of billing a using entity for the supplies.

SECTION 8. Amends Section 2172.002(a), Government Code, to authorize, rather than require, TBPC to maintain a facility for repairing office machines and to offer repair services to certain entities located in Austin.

SECTION 9. Repealer: Section 2172.001(b) (requiring TBPC to operate a central supply store), Government Code.

SECTION 10. Effective date: upon passage or September 1, 2003.