

By: West

S.B. No. 1005

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to reporting a state agency that is not complying with the  
3 requirement to make a good faith effort to increase the agency's use  
4 of historically underutilized businesses in purchasing and public  
5 works contracting.

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

7 SECTION 1. Section 2161.123(d), Government Code, is amended  
8 to read as follows:

9 (d) The commission and the state auditor shall cooperate to  
10 develop procedures to periodically monitor state agency compliance  
11 with this section. The state auditor shall report to the  
12 commission, the Senate Finance Committee, and the House  
13 Appropriations Committee a state agency that is not complying with  
14 this section. In determining whether a state agency is making a  
15 good faith effort to comply, the state auditor shall consider  
16 whether the agency:

17 (1) has adopted rules under Section 2161.003;

18 (2) has used the commission's directory under Section  
19 2161.064 and other resources to identify historically  
20 underutilized businesses that are able and available to contract  
21 with the agency;

22 (3) made good faith, timely efforts to contact  
23 identified historically underutilized businesses regarding  
24 contracting opportunities; and

1           (4) conducted its procurement program in accordance  
2 with the good faith effort methodology set out in commission rules.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2003.