

## **BILL ANALYSIS**

H.B. 976  
By: Madden  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Texas Building and Procurement Commission (TBPC) Commissioners are not expressly authorized to discuss pending procurements in executive session, and therefore, may only discuss them in an open meeting. TBPC regularly deals with major procurements that are potentially valued at millions of dollars and that would have a statewide affect across agencies. Because evaluating different proposals often requires contemplating major policy decisions for the State, Commissioners need to be able to deliberate the substance and alternatives in each proposal before taking official actions or giving staff a directive. Evaluating these proposals in a public hearing would often have a detrimental effect on the position of the state in negotiations with a third person. TBPC routinely enters into major contracts in our process of providing goods and services to the other state agencies. HB 976 authorizes the TBPC to discuss pending procurements and contracts in a closed meeting.

### **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**

Amends Subchapter D, Chapter 551, Government Code, by adding Section 551.0726, as follows: Section 551.0726. TEXAS BUILDING AND PROCUREMENT COMMISSION: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. Authorizes the Texas Building and Procurement Commission to conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting, the commission votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person and the attorney advising the commission issues a written determination that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person. Requires the commission to tape record the proceedings of a closed meeting held under this section.

### **EFFECTIVE DATE**

Upon passage or on September 1, 2005.