

BILL ANALYSIS

Senate Research Center
79R16981 E

C.S.H.B. 976
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State Affairs
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Texas Building and Procurement Commission (TBPC) members 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 effect across agencies. Because evaluating different proposals often requires contemplating major policy decisions for the state, TBPC members need to be able to deliberate the substance of and alternatives to each proposal before taking official action 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 the process of providing goods and services to other state agencies.

C.S.H.B. 976 authorizes the TBPC to discuss pending procurements and contracts in a closed meeting.

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 Subchapter D, Chapter 551, Government Code, by adding Section 551.0726, as follows:

Sec. 551.0726. TEXAS BUILDING AND PROCUREMENT COMMISSION: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. (a) Authorizes the Texas Building and Procurement Commission (TBPC) to conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting, certain requirements are met.

(b) Requires TBPC to make a tape recording of the proceedings of a closed meeting held under this section, notwithstanding Section 551.103(a) (Certified Agenda or Tape Recording Required).

SECTION 2. Effective date: upon passage or September 1, 2005.