

By: Chavez

H.B. No. 1331

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a junior college district to contract  
3 for the provision of certain services and resources under the  
4 Interagency Cooperation Act.

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

6 SECTION 1. Section 771.002(1), Government Code, is amended  
7 to read as follows:

8 (1) "Agency" includes:

9 (A) a department, board, bureau, commission,  
10 court, office, authority, council, or institution of state  
11 government;

12 (B) a state university or [7] college, a junior  
13 college district, or any service or part of a state institution of  
14 higher education;

15 (C) a local workforce development board created  
16 under Section 2308.253; and

17 (D) any statewide job or employment training  
18 program for disadvantaged youth that is substantially financed by  
19 federal funds and that was created by executive order not later than  
20 December 30, 1986.

21 SECTION 2. Section 771.003, Government Code, is amended to  
22 read as follows:

23 Sec. 771.003. AUTHORITY TO CONTRACT; EXCEPTIONS. (a) An [~~A~~  
24 ~~state~~] agency may agree or contract with another [~~state~~] agency for

1 the provision of necessary and authorized services and resources.

2 (b) An [~~A-state~~] agency may not construct a highway, road,  
3 building, or other structure for another agency under this chapter,  
4 except that the Texas Department of Transportation may enter into  
5 an interagency agreement with a state college, university, or  
6 public junior college for the maintenance, improvement,  
7 relocation, or extension of existing on-campus streets, parking  
8 lots, and access-ways.

9 (c) An [~~A-state~~] agency may not provide services or  
10 resources to another agency that are required by Article XVI,  
11 Section 21, of the Texas Constitution to be provided under a  
12 contract awarded to the lowest responsible bidder.

13 SECTION 3. Section 771.004(a), Government Code, is amended  
14 to read as follows:

15 (a) Before an [~~a-state~~] agency may provide or receive a  
16 service or resource under this chapter, the agency must have  
17 entered into a written agreement or contract that has been approved  
18 by the administrator of each agency that is a party to the agreement  
19 or contract.

20 SECTION 4. Section 771.007, Government Code, is amended to  
21 read as follows:

22 Sec. 771.007. REIMBURSEMENT AND ADVANCEMENT OF COSTS. (a)  
23 An [~~A-state~~] agency that receives services or resources under this  
24 chapter shall reimburse each [~~state~~] agency providing the services  
25 or resources the actual cost of providing the services or  
26 resources, or the nearest practicable estimate of that cost.  
27 Reimbursement is not required if the services or resources are

1 provided:

2 (1) for national defense or disaster relief; or

3 (2) in cooperative efforts, proposed by the governor,  
4 to promote the economic development of the state.

5 (b) An [~~A state~~] agency that receives services or resources  
6 under this chapter may advance federal funds to an [~~a state~~] agency  
7 providing the services or resources if the agency receiving the  
8 services or resources determines that the advance would facilitate  
9 the implementation of a federally funded program.

10 (c) An [~~A state~~] agency that receives services or resources  
11 under this chapter may advance funds to the [~~state~~] agency  
12 providing the services or resources if an advance is necessary to  
13 enable the providing agency to provide the services or resources.  
14 If an advance is made under this section, the agencies shall ensure  
15 after the services or resources are provided that the providing  
16 agency has received only sufficient funds to reimburse its total  
17 costs. An advance of funds is a reimbursement for the purpose of  
18 Section 771.008.

19 SECTION 5. Section 771.010, Government Code, is amended to  
20 read as follows:

21 Sec. 771.010. EXCEEDING AUTHORITY PROHIBITED. An [~~A state~~]  
22 agency may not enter into an agreement or contract that requires or  
23 permits the agency to exceed its duties and responsibilities or the  
24 limitations of its appropriated funds.

25 SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.