

1-1 By: Chavez (Senate Sponsor - Zaffirini) H.B. No. 1331  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Subcommittee on  
1-4 Higher Education; May 9, 2005, reported favorably to Committee on  
1-5 Education; May 16, 2005, reported favorably from Committee on  
1-6 Education by the following vote: Yeas 5, Nays 0; May 16, 2005,  
1-7 sent to printer.)

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of a junior college district to contract  
1-11 for the provision of certain services and resources under the  
1-12 Interagency Cooperation Act.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 771.002(1), Government Code, is amended  
1-15 to read as follows:

1-16 (1) "Agency" includes:

1-17 (A) a department, board, bureau, commission,  
1-18 court, office, authority, council, or institution of state  
1-19 government;

1-20 (B) a state university or [7] college, a junior  
1-21 college district, or any service or part of a state institution of  
1-22 higher education;

1-23 (C) a local workforce development board created  
1-24 under Section 2308.253; and

1-25 (D) any statewide job or employment training  
1-26 program for disadvantaged youth that is substantially financed by  
1-27 federal funds and that was created by executive order not later than  
1-28 December 30, 1986.

1-29 SECTION 2. Section 771.003, Government Code, is amended to  
1-30 read as follows:

1-31 Sec. 771.003. AUTHORITY TO CONTRACT; EXCEPTIONS. (a) An [~~A~~  
1-32 ~~state~~] agency may agree or contract with another [~~state~~]  
1-33 the provision of necessary and authorized services and resources.

1-34 (b) An [~~A-state~~] agency may not construct a highway, road,  
1-35 building, or other structure for another agency under this chapter,  
1-36 except that the Texas Department of Transportation may enter into  
1-37 an interagency agreement with a state college, university, or  
1-38 public junior college for the maintenance, improvement,  
1-39 relocation, or extension of existing on-campus streets, parking  
1-40 lots, and access-ways.

1-41 (c) An [~~A-state~~] agency may not provide services or  
1-42 resources to another agency that are required by Article XVI,  
1-43 Section 21, of the Texas Constitution to be provided under a  
1-44 contract awarded to the lowest responsible bidder.

1-45 SECTION 3. Section 771.004(a), Government Code, is amended  
1-46 to read as follows:

1-47 (a) Before an [~~a-state~~] agency may provide or receive a  
1-48 service or resource under this chapter, the agency must have  
1-49 entered into a written agreement or contract that has been approved  
1-50 by the administrator of each agency that is a party to the agreement  
1-51 or contract.

1-52 SECTION 4. Section 771.007, Government Code, is amended to  
1-53 read as follows:

1-54 Sec. 771.007. REIMBURSEMENT AND ADVANCEMENT OF COSTS. (a)  
1-55 An [~~A-state~~] agency that receives services or resources under this  
1-56 chapter shall reimburse each [~~state~~] agency providing the services  
1-57 or resources the actual cost of providing the services or  
1-58 resources, or the nearest practicable estimate of that cost.  
1-59 Reimbursement is not required if the services or resources are  
1-60 provided:

1-61 (1) for national defense or disaster relief; or

1-62 (2) in cooperative efforts, proposed by the governor,  
1-63 to promote the economic development of the state.

1-64 (b) An [~~A-state~~] agency that receives services or resources

2-1 under this chapter may advance federal funds to an [~~a state~~] agency  
2-2 providing the services or resources if the agency receiving the  
2-3 services or resources determines that the advance would facilitate  
2-4 the implementation of a federally funded program.

2-5 (c) An [~~A state~~] agency that receives services or resources  
2-6 under this chapter may advance funds to the [~~state~~] agency  
2-7 providing the services or resources if an advance is necessary to  
2-8 enable the providing agency to provide the services or resources.  
2-9 If an advance is made under this section, the agencies shall ensure  
2-10 after the services or resources are provided that the providing  
2-11 agency has received only sufficient funds to reimburse its total  
2-12 costs. An advance of funds is a reimbursement for the purpose of  
2-13 Section 771.008.

2-14 SECTION 5. Section 771.010, Government Code, is amended to  
2-15 read as follows:

2-16 Sec. 771.010. EXCEEDING AUTHORITY PROHIBITED. An [~~A state~~]  
2-17 agency may not enter into an agreement or contract that requires or  
2-18 permits the agency to exceed its duties and responsibilities or the  
2-19 limitations of its appropriated funds.

2-20 SECTION 6. This Act takes effect immediately if it receives  
2-21 a vote of two-thirds of all the members elected to each house, as  
2-22 provided by Section 39, Article III, Texas Constitution. If this  
2-23 Act does not receive the vote necessary for immediate effect, this  
2-24 Act takes effect September 1, 2005.

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