

By: Swinford

H.B. No. 3560

A BILL TO BE ENTITLED

1 AN ACT

2 relating to transferring to the comptroller the duties of the Texas  
3 Building and Procurement Commission that do not primarily concern  
4 state facilities.

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

6 ARTICLE 1. TRANSFER OF DUTIES TO COMPTROLLER

7 SECTION 1.01. Sections 2151.002, 2151.003, and 2151.004,  
8 Government Code, are amended to read as follows:

9 Sec. 2151.002. DEFINITION [~~DEFINITIONS~~]. Except as  
10 otherwise provided by this subtitle, in this subtitle "state  
11 agency" [+

12 [~~(1) "Commission" means the Texas Building and~~  
13 ~~Procurement Commission.~~

14 [~~(2) "State agency"~~] means:

15 (1) [~~(A)~~] a department, commission, board, office, or  
16 other agency in the executive branch of state government created by  
17 the state constitution or a state statute;

18 (2) [~~(B)~~] the supreme court, the court of criminal  
19 appeals, a court of appeals, or the Texas Judicial Council; or

20 (3) [~~(C)~~] a university system or an institution of  
21 higher education as defined by Section 61.003, Education Code,  
22 except a public junior college.

23 Sec. 2151.003. REFERENCE. A statutory reference to the  
24 General Services Commission, the State Board of Control, [~~or~~] the

1 State Purchasing and General Services Commission, or [~~means~~] the  
2 Texas Building and Procurement Commission means:

3 (1) the Texas Facilities Commission if the statutory  
4 reference concerns:

5 (A) charge and control of state buildings,  
6 grounds, or property;

7 (B) maintenance or repair of state buildings,  
8 grounds, or property;

9 (C) construction of a state building;

10 (D) purchase or lease of state buildings,  
11 grounds, or property by or for the state; or

12 (E) child care services for state employees under  
13 Chapter 663; and

14 (2) the comptroller in all other circumstances, except  
15 as otherwise provided by law.

16 Sec. 2151.004. TRANSFER AND ALLOCATION OF POWERS AND DUTIES  
17 [~~TO DEPARTMENT OF INFORMATION RESOURCES~~]. (a) The powers and  
18 duties of the former General Services Commission under Chapter 2170  
19 or other law relating to providing telecommunications services for  
20 state government are transferred to the Department of Information  
21 Resources.

22 (b) A reference in law to the General Services Commission  
23 that relates to the powers and duties of the former General Services  
24 Commission under Chapter 2170 or other law relating to providing  
25 telecommunications services for state government is a reference to  
26 the Department of Information Resources.

27 (c) The Texas Facilities Commission retains the powers and

1 duties of the former Texas Building and Procurement Commission  
2 relating to charge and control of state buildings, grounds, or  
3 property, maintenance or repair of state buildings, grounds, or  
4 property, child care services for state employees under Chapter  
5 663, construction of a state building, or purchase or lease of state  
6 buildings, grounds, or property by or for the state.

7 (d) Except as provided by Subsection (a) or (c) or other  
8 law, all other powers and duties of the Texas Building and  
9 Procurement Commission are transferred to the comptroller.

10 SECTION 1.02. The heading to Chapter 2152, Government Code,  
11 is amended to read as follows:

12 CHAPTER 2152. TEXAS FACILITIES [~~BUILDING AND PROCUREMENT~~]  
13 COMMISSION

14 SECTION 1.03. Section 2152.001, Government Code, is amended  
15 to read as follows:

16 Sec. 2152.001. COMMISSION. The Texas Facilities [~~Building~~  
17 ~~and Procurement~~] Commission is an agency of the state.

18 SECTION 1.04. Subchapter A, Chapter 2152, Government Code,  
19 is amended by adding Section 2152.0011 to read as follows:

20 Sec. 2152.0011. TEXAS FACILITIES COMMISSION; DEFINITION.

21 (a) The Texas Building and Procurement Commission is renamed the  
22 Texas Facilities Commission.

23 (b) In this chapter, "commission" or "Texas Building and  
24 Procurement Commission" means the Texas Facilities Commission.

25 SECTION 1.05. Subchapter A, Chapter 2155, Government Code,  
26 is amended by adding Sections 2155.0011 and 2155.0012 to read as  
27 follows:

1       Sec. 2155.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
2 powers and duties of the commission under this chapter are  
3 transferred to the comptroller.

4       (b) In this chapter, a reference to the commission means the  
5 comptroller.

6       Sec. 2155.0012. AUTHORITY TO ADOPT RULES. The comptroller  
7 may adopt rules to efficiently and effectively administer this  
8 chapter.

9       SECTION 1.06. Section 2155.003, Government Code, is amended  
10 to read as follows:

11       Sec. 2155.003. CONFLICT OF INTEREST. (a) The comptroller  
12 and the chief clerk or any other [~~A commission member,~~] employee of  
13 the comptroller [~~, or appointee~~] may not:

14           (1) have an interest in, or in any manner be connected  
15 with, a contract or bid for a purchase of goods or services by an  
16 agency of the state; or

17           (2) in any manner, including by rebate or gift, accept  
18 or receive from a person to whom a contract may be awarded, directly  
19 or indirectly, anything of value or a promise, obligation, or  
20 contract for future reward or compensation.

21       (b) The chief clerk or any other [~~A commission member,~~]  
22 employee of the comptroller [~~, or appointee~~] who violates  
23 Subsection (a)(2) is subject to dismissal.

24       (c) In consultation with the comptroller, the Texas Ethics  
25 Commission shall adopt rules to implement this section.

26       (d) The Texas Ethics Commission shall administer and  
27 enforce this section and may prepare written opinions regarding

1 this section in accordance with Subchapter D, Chapter 571.

2 (e) The comptroller must report to the Texas Ethics  
3 Commission a campaign contribution from a vendor that bids on or  
4 receives a contract under the comptroller's purchasing authority.

5 SECTION 1.07. Section 2155.144(k), Government Code, is  
6 amended to read as follows:

7 (k) Subject to Section 531.0055(c), the Health and Human  
8 Services Commission, in cooperation with the comptroller, shall  
9 establish a central contract management database that identifies  
10 each contract made with a health and human services agency. The  
11 comptroller [~~commission~~] may use the database to monitor health and  
12 human services agency contracts, and health and human services  
13 agencies may use the database in contracting. A state agency shall  
14 send to the comptroller [~~commission~~] in the manner prescribed by  
15 the comptroller [~~commission~~] the information the agency possesses  
16 that the comptroller [~~commission~~] requires for inclusion in the  
17 database.

18 SECTION 1.08. Section 2155.322(b), Government Code, is  
19 amended to read as follows:

20 (b) If state law requires that a payment for the goods or  
21 services be made on a warrant drawn or an electronic funds transfer  
22 initiated by the comptroller or a state agency with delegated  
23 authority under Section 403.060, promptly after the later of the  
24 receipt of the invoice or the receipt of the goods or services, the  
25 agency shall send to the comptroller the certification, together  
26 with the financial information and purchase information provided by  
27 the invoice and purchase voucher, on a form or in the manner

1 prescribed [~~agreed to~~] by the comptroller [~~and the commission~~].

2 SECTION 1.09. Section 2155.323(b), Government Code, is  
3 amended to read as follows:

4 (b) If the comptroller approves the financial information,  
5 the comptroller shall determine whether [~~commission rules require~~  
6 ~~the commission to audit~~] the purchase information should also be  
7 audited under Section 2155.324. [~~If a commission audit is~~  
8 ~~required, the comptroller shall promptly send the certification and~~  
9 ~~purchase information to the commission using the method and format~~  
10 ~~agreed to by the comptroller and the commission.~~]

11 SECTION 1.10. Section 2155.324, Government Code, is amended  
12 to read as follows:

13 Sec. 2155.324. PURCHASE [~~COMMISSION~~] AUDIT. (a) When [~~Not~~  
14 ~~later than the eighth day after the date the commission receives the~~  
15 ~~certification and purchase information required by this subchapter~~  
16 ~~from~~] the comptroller considers a purchase audit to be advisable,  
17 the comptroller [~~, the commission~~] shall audit the purchase  
18 information for compliance with applicable purchasing statutes and  
19 [~~commission~~] rules.

20 (b) The comptroller [~~commission~~] may determine the auditing  
21 method used under this section, including stratified or statistical  
22 sampling techniques.

23 [~~(c) The commission shall notify the comptroller of the~~  
24 ~~results of the commission's audit, using the method and format~~  
25 ~~agreed to by the commission and the comptroller.~~]

26 SECTION 1.11. Section 2155.325, Government Code, is amended  
27 to read as follows:

1           Sec. 2155.325. PURCHASE [~~COMMISSION~~] AUDIT AFTER ISSUANCE  
2 OF WARRANT. (a) The comptroller [~~commission~~] may audit purchase  
3 information after a warrant has been issued if the audit will  
4 expedite the payment process.

5           (b) For audits under this section, the comptroller  
6 [~~commission~~] by rule shall:

7           (1) determine the types of purchases that will be  
8 audited after a warrant is issued; and

9           (2) specify the purchase information that a state  
10 agency must send to the comptroller [~~or the commission~~] before a  
11 warrant is issued.

12           [~~(c) For purchases audited after a warrant is issued, the~~  
13 ~~comptroller shall send the certification and purchase information~~  
14 ~~received by the comptroller under Section 2155.322(b) to the~~  
15 ~~commission under commission rules.~~]

16           SECTION 1.12. Section 2155.326, Government Code, is amended  
17 to read as follows:

18           Sec. 2155.326. AUDIT BY STATE AUDITOR [~~UPDATE OF COMMISSION~~  
19 ~~FILES AND RECORDS~~]. Transactions, processes, and the performance  
20 of functions under this chapter and Chapters 2156, 2157, and 2158  
21 are subject to audit by the state auditor under Chapter 321. [~~To~~  
22 ~~enable the commission to update periodically computer records and~~  
23 ~~close purchase order files, the comptroller shall, on request,~~  
24 ~~furnish the commission with information detailing all vouchers paid~~  
25 ~~under this subchapter and Section 2155.132.~~]

26           SECTION 1.13. Section 2155.381, Government Code, is amended  
27 to read as follows:

1           Sec. 2155.381. INVOICE. (a) The contractor or seller of  
2 goods or services contracted for by the comptroller [~~commission~~]  
3 shall submit an invoice to the ordering agency at the address shown  
4 on the purchase order.

5           (b) The invoice shall be prepared and submitted as provided  
6 by [~~commission~~] rule of the comptroller.

7           SECTION 1.14. Section 2155.382(a), Government Code, is  
8 amended to read as follows:

9           (a) After the comptroller approves [~~and the commission have~~  
10 ~~approved~~] financial information and purchase information, when  
11 advance approval of that information is required by [~~commission~~]  
12 rule of the comptroller, the comptroller shall draw a warrant on the  
13 state treasury for:

- 14                   (1) the amount due on the invoice; or  
15                   (2) the amount on the invoice that has been allowed.

16           SECTION 1.15. Section 2155.503, Government Code, is amended  
17 to read as follows:

18           Sec. 2155.503. RULES. (a) The comptroller [~~commission~~]  
19 and the department shall adopt rules to implement this subchapter.  
20 The rules must:

- 21                   (1) establish standard terms for contracts listed on a  
22 schedule; and  
23                   (2) maintain consistency with existing purchasing  
24 standards.

25           (b) The comptroller [~~commission~~] and the department shall  
26 consult with the attorney general [~~and the comptroller~~] in  
27 developing rules under this section.



1 SECTION 1.16. Subchapter A, Chapter 2156, Government Code,  
2 is amended by adding Sections 2156.0011 and 2156.0012 to read as  
3 follows:

4 Sec. 2156.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
5 powers and duties of the commission under this chapter are  
6 transferred to the comptroller.

7 (b) In this chapter, a reference to the commission means the  
8 comptroller.

9 Sec. 2156.0012. AUTHORITY TO ADOPT RULES. The comptroller  
10 may adopt rules to efficiently and effectively administer this  
11 chapter.

12 SECTION 1.17. Subchapter A, Chapter 2157, Government Code,  
13 is amended by adding Sections 2157.0011 and 2157.0012 to read as  
14 follows:

15 Sec. 2157.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
16 powers and duties of the commission under this chapter are  
17 transferred to the comptroller.

18 (b) In this chapter, a reference to the commission means the  
19 comptroller.

20 Sec. 2157.0012. AUTHORITY TO ADOPT RULES. The comptroller  
21 may adopt rules to efficiently and effectively administer this  
22 chapter.

23 SECTION 1.18. Subchapter A, Chapter 2158, Government Code,  
24 is amended by adding Sections 2158.0011 and 2158.0012 to read as  
25 follows:

26 Sec. 2158.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
27 powers and duties of the commission under this chapter are

1 transferred to the comptroller.

2 (b) In this chapter, a reference to the commission means the  
3 comptroller.

4 Sec. 2158.0012. AUTHORITY TO ADOPT RULES. The comptroller  
5 may adopt rules to efficiently and effectively administer this  
6 chapter.

7 SECTION 1.19. Subchapter A, Chapter 2161, Government Code,  
8 is amended by adding Sections 2161.0011 and 2161.0012 to read as  
9 follows:

10 Sec. 2161.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
11 powers and duties of the commission under this chapter are  
12 transferred to the comptroller.

13 (b) In this chapter, a reference to the commission means the  
14 comptroller.

15 Sec. 2161.0012. AUTHORITY TO ADOPT RULES. (a) The  
16 comptroller may adopt rules to efficiently and effectively  
17 administer this chapter.

18 (b) The comptroller shall follow the procedures prescribed  
19 by Subchapter B, Chapter 2001, when adopting a new rule or a change  
20 to an existing rule that relates to historically underutilized  
21 businesses.

22 SECTION 1.20. Section 2161.061, Government Code, is amended  
23 by adding Subsection (e) to read as follows:

24 (e) A local government or a nonprofit organization that  
25 certifies historically underutilized businesses under Subsection  
26 (c) or that conducts a certification program described by and  
27 approved under Subsection (b) shall make available to the public an

1 online searchable database containing information about  
2 historically underutilized businesses, minority business  
3 enterprises, women's business enterprises, and disadvantaged  
4 business enterprises certified by the local government or nonprofit  
5 organization, including:

- 6           (1) the name of the business;  
7           (2) the contact person or owner of the business;  
8           (3) the address and telephone number of the business;  
9           (4) the type or category of business, including  
10 relevant capabilities of the business and the North American  
11 Industry Classification System codes for the business; and  
12           (5) the expiration date of the business's  
13 certification.

14           SECTION 1.21. Sections 2161.123(d) and (e), Government  
15 Code, are amended to read as follows:

16           (d) The commission and the state auditor shall cooperate to  
17 develop procedures providing for random periodic monitoring of  
18 state agency compliance with this section. The state auditor shall  
19 report to the commission a state agency that is not complying with  
20 this section. In determining whether a state agency is making a  
21 good faith effort to comply, the state auditor shall consider  
22 whether the agency:

- 23           (1) has adopted rules under Section 2161.003;  
24           (2) has used the commission's directory under Section  
25 2161.064 and other resources to identify historically  
26 underutilized businesses that are able and available to contract  
27 with the agency;

1 (3) made good faith, timely efforts to contact  
2 identified historically underutilized businesses regarding  
3 contracting opportunities; ~~and~~

4 (4) conducted its procurement program in accordance  
5 with the good faith effort methodology set out in commission rules;  
6 and

7 (5) established goals for contracting with  
8 historically underutilized businesses in each procurement category  
9 based on:

10 (A) scheduled fiscal year expenditures; and

11 (B) the availability of historically  
12 underutilized businesses in each category as determined by rules  
13 adopted under Section 2161.002.

14 (e) In conducting an audit of an agency's compliance with  
15 this section or an agency's making of a good faith effort to  
16 implement the plan adopted under this section, the state auditor  
17 shall ~~[not]~~ consider the success or failure of the agency to  
18 contract with historically underutilized businesses in accordance  
19 with the agency's goals described by Subsection (d)(5) [in any  
20 specific quantity. The state auditor's review shall be restricted  
21 to the agency's procedural compliance with Subsection (d)].

22 SECTION 1.22. Section 2161.125, Government Code, is amended  
23 to read as follows:

24 Sec. 2161.125. CATEGORIZATION BY SEX, RACE, AND ETHNICITY.  
25 The comptroller [commission], in cooperation with ~~[the comptroller~~  
26 ~~and]~~ each state agency reporting under this subchapter, shall  
27 categorize each historically underutilized business included in a

1 report under this subchapter by sex, race, and ethnicity.

2 SECTION 1.23. Section 2161.127, Government Code, is amended  
3 to read as follows:

4 Sec. 2161.127. LEGISLATIVE APPROPRIATIONS REQUESTS. (a)  
5 Each state agency must include as part of its legislative  
6 appropriations request a detailed report for consideration by the  
7 budget committees of the legislature that shows the extent to which  
8 the agency complied with this chapter and rules of the commission  
9 adopted under this chapter during the two calendar years preceding  
10 the calendar year in which the request is submitted. To the extent  
11 the state agency did not comply, the report must demonstrate the  
12 reasons for that fact. The extent to which a state agency complies  
13 with this chapter and rules of the commission adopted under this  
14 chapter is considered a performance measure for purposes of the  
15 appropriations process.

16 (b) The report under Subsection (a) must include:

17 (1) the agency's goals established under Section  
18 2161.123(d)(5) for contracting with historically underutilized  
19 businesses during the two calendar years preceding the calendar  
20 year in which the request is submitted;

21 (2) a statement regarding whether the goals  
22 established under Section 2161.123(d)(5) were met during the two  
23 calendar years preceding the calendar year in which the request is  
24 submitted; and

25 (3) if the goals established under Section  
26 2161.123(d)(5) were not met during the two calendar years preceding  
27 the calendar year in which the request is submitted:

1                   (A) a statement of the percentage by which the  
2 agency's actual use of historically underutilized businesses  
3 deviated from the agency's goals; and

4                   (B) an explanation of why the goals were not met.

5           SECTION 1.24. Section 2162.051(a), Government Code, is  
6 amended to read as follows:

7           (a) The State Council on Competitive Government consists of  
8 the following individuals or the individuals they designate:

9                   (1) the governor;

10                   (2) the lieutenant governor;

11                   (3) the comptroller;

12                   (4) the speaker of the house of representatives;

13                   (5) the ~~[commission's]~~ presiding officer of the Texas  
14 Facilities Commission; [and]

15                   (6) the commissioner of the Texas Workforce Commission  
16 representing labor; and

17                   (7) the land commissioner.

18           SECTION 1.25. Subchapter B, Chapter 2162, Government Code,  
19 is amended by adding Section 2162.053 to read as follows:

20           Sec. 2162.053. ADMINISTRATION BY COMPTROLLER. (a) The  
21 comptroller shall provide offices for the council and shall provide  
22 the council with legal, technical, administrative, and other  
23 support necessary to carry out its powers and duties.

24           (b) Any administrative powers or duties of the Texas  
25 Building and Procurement Commission with respect to the council are  
26 transferred to the comptroller.

27           SECTION 1.26. Section 2162.102(c), Government Code, is

1 amended to read as follows:

2 (c) In performing its duties under this chapter, the council  
3 may:

4 (1) require a state agency to conduct a hearing,  
5 study, review, or cost estimate, including an agency in-house cost  
6 estimate or a management study, concerning any aspect of a service  
7 identified under Subsection (a);

8 (2) develop and require state agencies to use methods  
9 to accurately and fairly estimate and account for the cost of  
10 providing a service identified under Subsection (a);

11 (3) require that a service identified under Subsection  
12 (a) be submitted to competitive bidding or another process that  
13 creates competition with private commercial sources;

14 (4) prescribe, after consulting affected state  
15 agencies, the specifications and conditions of purchase procedures  
16 that must be followed by the comptroller [~~commission~~] and a state  
17 agency or a private commercial source engaged in competitive  
18 bidding to provide a service identified under Subsection (a);

19 (5) award a contract to a state agency providing the  
20 service, another state agency, a private commercial source, or a  
21 combination of those entities, if the bidder presents the best and  
22 most reasonable bid, which is not necessarily the lowest bid; and

23 (6) determine the terms of a contract for service or  
24 interagency contract to provide a service identified under  
25 Subsection (a).

26 SECTION 1.27. Chapter 2163, Government Code, is amended by  
27 adding Sections 2163.0011 and 2163.0012 to read as follows:

1           Sec. 2163.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
2 powers and duties of the commission under this chapter are  
3 transferred to the comptroller.

4           (b) In this chapter, a reference to the commission means the  
5 comptroller.

6           Sec. 2163.0012. AUTHORITY TO ADOPT RULES. The comptroller  
7 may adopt rules to efficiently and effectively administer this  
8 chapter.

9           SECTION 1.28. Subchapter A, Chapter 2165, Government Code,  
10 is amended by adding Sections 2165.0011 and 2165.0012 to read as  
11 follows:

12           Sec. 2165.0011. DEFINITION. In this chapter, "commission"  
13 means the Texas Facilities Commission.

14           Sec. 2165.0012. AUTHORITY TO ADOPT RULES. The commission  
15 may adopt rules to efficiently and effectively administer this  
16 chapter.

17           SECTION 1.29. Section 2166.001, Government Code, is amended  
18 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
19 follows:

20           (1) "Commission" means the Texas Facilities  
21 Commission.

22           (1-a) "Construction" includes acquisition and  
23 reconstruction.

24           SECTION 1.30. Subchapter A, Chapter 2167, Government Code,  
25 is amended by adding Section 2167.0011 to read as follows:

26           Sec. 2167.0011. DEFINITION. In this chapter, "commission"  
27 means the Texas Facilities Commission.



1 SECTION 1.31. Subchapter A, Chapter 2170, Government Code,  
2 is amended by adding Sections 2170.0011 and 2170.0012 to read as  
3 follows:

4 Sec. 2170.0011. TRANSFER OF DUTIES; REFERENCE. (a) Any  
5 remaining powers and duties of the commission under this chapter  
6 are transferred to the comptroller.

7 (b) Subject to Section 2151.004(b), in this chapter a  
8 reference to the commission means the comptroller.

9 Sec. 2170.0012. AUTHORITY TO ADOPT RULES. The comptroller  
10 may adopt rules to efficiently and effectively administer this  
11 chapter.

12 SECTION 1.32. Subchapter A, Chapter 2171, Government Code,  
13 is amended by adding Section 2171.0011 to read as follows:

14 Sec. 2171.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
15 powers and duties of the commission under this chapter are  
16 transferred to the comptroller.

17 (b) In this chapter, a reference to the commission means the  
18 comptroller.

19 SECTION 1.33. Section 2171.056(e), Government Code, is  
20 amended to read as follows:

21 (e) The comptroller [~~commission~~] shall adopt rules related  
22 to exemptions from the prohibition prescribed by Subsection (b).  
23 [~~To facilitate the audit of the travel vouchers, the commission~~  
24 ~~shall consult with the comptroller before the commission adopts~~  
25 ~~rules or procedures under Subsection (b).~~]

26 SECTION 1.34. Chapter 2172, Government Code, is amended by  
27 adding Sections 2172.0011 and 2172.0012 to read as follows:

1       Sec. 2172.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
2 powers and duties of the commission under this chapter are  
3 transferred to the comptroller.

4       (b) In this chapter, a reference to the commission means the  
5 comptroller.

6       Sec. 2172.0012. AUTHORITY TO ADOPT RULES. The comptroller  
7 may adopt rules to efficiently and effectively administer this  
8 chapter.

9       SECTION 1.35. Subchapter A, Chapter 2175, Government Code,  
10 is amended by adding Sections 2175.0011 and 2175.0012 to read as  
11 follows:

12       Sec. 2175.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
13 powers and duties of the commission under this chapter are  
14 transferred to the comptroller.

15       (b) In this chapter, a reference to the commission means the  
16 comptroller.

17       Sec. 2175.0012. AUTHORITY TO ADOPT RULES. The comptroller  
18 may adopt rules to efficiently and effectively administer this  
19 chapter.

20       SECTION 1.36. Section 2175.122, Government Code, is amended  
21 to read as follows:

22       Sec. 2175.122. STATE AGENCY NOTICE TO [~~COMMISSION AND~~]  
23 COMPTROLLER. A state agency that determines it has surplus or  
24 salvage property shall inform the [~~commission and the~~] comptroller  
25 of the property's kind, number, location, condition, original cost  
26 or value, and date of acquisition.

27       SECTION 1.37. Section 2175.123(b), Government Code, is

1 amended to read as follows:

2 (b) The state agency shall inform the [~~commission and the~~  
3 comptroller of its determination.

4 SECTION 1.38. Section 2175.1825, Government Code, is  
5 amended to read as follows:

6 Sec. 2175.1825. ADVERTISING ON COMPTROLLER WEBSITE. The  
7 [~~Not later than the second day after the date the comptroller~~  
8 ~~receives notice from the commission under Section 2175.182(c), the~~  
9 comptroller shall advertise the property's kind, number, location,  
10 and condition on the comptroller's website.

11 SECTION 1.39. Section 2175.190(a), Government Code, is  
12 amended to read as follows:

13 (a) On the sale by the comptroller [~~commission~~] of surplus  
14 or salvage property, the comptroller [~~commission~~] shall report the  
15 property sold and the sale price to the state agency that owned the  
16 property [~~and to the comptroller~~].

17 SECTION 1.40. Subchapter A, Chapter 2176, Government Code,  
18 is amended by adding Section 2176.0011 to read as follows:

19 Sec. 2176.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
20 powers and duties of the commission under this chapter are  
21 transferred to the comptroller.

22 (b) In this chapter, a reference to the commission means the  
23 comptroller.

24 SECTION 1.41. Section 2176.053, Government Code, is amended  
25 to read as follows:

26 Sec. 2176.053. DELIVERY OF STATE WARRANTS. State warrants  
27 may be delivered in a manner agreed to by the comptroller[~~, the~~

1 ~~commission,~~] and the affected agency.

2 SECTION 1.42. Subchapter A, Chapter 2177, Government Code,  
3 is amended by adding Sections 2177.0011 and 2177.0012 to read as  
4 follows:

5 Sec. 2177.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
6 powers and duties of the commission under this chapter are  
7 transferred to the comptroller.

8 (b) In this chapter, a reference to the commission means the  
9 comptroller.

10 Sec. 2177.0012. AUTHORITY TO ADOPT RULES. The comptroller  
11 may adopt rules to efficiently and effectively administer this  
12 chapter.

13 SECTION 1.43. Section 22.008(d), Government Code, is  
14 amended to read as follows:

15 (d) The reporter shall return the record, with briefs and  
16 opinions, to the clerk when the report is completed and from time to  
17 time shall deliver the reports to the comptroller [~~State Purchasing~~  
18 ~~and General Services Commission~~] for publication. Each volume  
19 shall be copyrighted in the name of the reporter, who immediately on  
20 delivery of the edition shall transfer and assign it to the state.  
21 The edition shall be electrotyped. The state owns the plates, and  
22 the comptroller [~~State Purchasing and General Services Commission~~]  
23 shall preserve them.

24 SECTION 1.44. Section 325.017(e), Government Code, is  
25 amended to read as follows:

26 (e) Unless the governor designates an appropriate state  
27 agency as prescribed by Subsection (f), property and records in the

1 custody of an abolished state agency or advisory committee on  
2 September 1 of the even-numbered year after abolishment shall be  
3 transferred to the comptroller [~~State Purchasing and General~~  
4 ~~Services Commission~~]. If the governor designates an appropriate  
5 state agency, the property and records shall be transferred to the  
6 designated state agency.

7 SECTION 1.45. Section 403.251, Government Code, is amended  
8 to read as follows:

9 Sec. 403.251. ADDITIONAL DUTIES OF COMPTROLLER  
10 [~~COMMISSION~~]. The comptroller [~~commission~~] shall treat  
11 documentation submitted [~~to the commission~~] by a state agency as  
12 part of the procedure for replenishing a petty cash account as a  
13 proposed expenditure of appropriated funds. The comptroller  
14 [~~commission~~] shall follow its usual procedures for reviewing  
15 purchases. The comptroller [~~commission~~] shall give the agency a  
16 written approval or disapproval of each disbursement from the petty  
17 cash account.

18 SECTION 1.46. Section 441.106, Government Code, is amended  
19 to read as follows:

20 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.  
21 If a state agency's printing is done by contract, an account for the  
22 printing may not be approved and a warrant may not be issued unless  
23 the agency first furnishes to the comptroller [~~Texas Building and~~  
24 ~~Procurement Commission~~] a receipt from the state librarian for the  
25 publication or a written waiver from the state librarian exempting  
26 the publication from this subchapter.

27 SECTION 1.47. Sections 441.194(a) and (b), Government Code,

1 are amended to read as follows:

2 (a) Unless otherwise provided by law, the comptroller  
3 [~~General Services Commission~~] shall take custody of the records of  
4 a state agency that is abolished by the legislature and whose duties  
5 and responsibilities are not transferred to another state agency.

6 (b) Unless the requirement is waived by the state records  
7 administrator, the records management officer of the comptroller  
8 [~~General Services Commission~~], or of another state agency that  
9 receives custody of the records pursuant to law, shall prepare and  
10 submit to the state archivist and the state records administrator a  
11 list of the records of the abolished state agency within 180 days of  
12 the effective date of the agency's abolition.

13 SECTION 1.48. Section 444.021(a), Government Code, is  
14 amended to read as follows:

15 (a) The commission shall:

16 (1) foster the development of a receptive climate for  
17 the arts that will culturally enrich and benefit state citizens in  
18 their daily lives;

19 (2) make visits and vacations to the state more  
20 appealing to the world;

21 (3) attract, through appropriate programs of  
22 publicity and education, additional outstanding artists to become  
23 state residents;

24 (4) direct activities such as the sponsorship of  
25 lectures and exhibitions and the central compilation and  
26 dissemination of information on the progress of the arts in the  
27 state;

1           (5) provide advice to the comptroller [~~General~~  
2 ~~Services commission~~], Texas Historical Commission, Texas State  
3 Library, Texas Tourist Development Agency, Texas Department of  
4 Transportation, and other state agencies to provide a concentrated  
5 state effort in encouraging and developing an appreciation for the  
6 arts in the state;

7           (6) provide advice relating to the creation,  
8 acquisition, construction, erection, or remodeling by the state of  
9 a work of art; and

10          (7) provide advice, on request of the governor,  
11 relating to the artistic character of buildings constructed,  
12 erected, or remodeled by the state.

13          SECTION 1.49. Section 465.0082, Government Code, is amended  
14 to read as follows:

15          Sec. 465.0082. PURCHASING RULES. The commission shall  
16 adopt rules to guide its purchases of supplies, materials,  
17 services, and equipment to carry out eligible undertakings as  
18 defined by Section 465.021. The commission shall use as a guide,  
19 whenever consistent with the commission's purposes, the rules of  
20 the comptroller [~~State Purchasing and General Services~~  
21 ~~Commission~~].

22          SECTION 1.50. Section 465.018(b), Government Code, is  
23 amended to read as follows:

24          (b) This section does not prohibit the commission from using  
25 the comptroller's purchasing [~~General Services Commission's~~  
26 services].

27          SECTION 1.51. Section 466.104, Government Code, is amended

1 to read as follows:

2           Sec. 466.104. ASSISTANCE OF COMPTROLLER [~~GENERAL SERVICES~~  
3 ~~COMMISSION~~]. (a) On request of the executive director, the  
4 comptroller [~~General Services Commission~~] shall assist the  
5 executive director in:

6                   (1) acquiring facilities, supplies, materials,  
7 equipment, and services under Subtitle D, Title 10; or

8                   (2) establishing procedures for the executive  
9 director's accelerated acquisition of facilities, supplies,  
10 materials, equipment, and services for the operation of the  
11 lottery.

12           (b) The comptroller may request assistance from the Texas  
13 Facilities Commission in performing its facilities-related duties  
14 under this section.

15           SECTION 1.52. Section 481.027(f), Government Code, is  
16 amended to read as follows:

17           (f) The comptroller [~~General Services Commission~~] may, at  
18 the request of a state agency, provide to the agency services  
19 exempted from the application of Subtitle D, Title 10 under  
20 Subsection (e). Chapter 771 does not apply to services provided  
21 under this subsection. The comptroller [~~commission~~] shall  
22 establish a system of charges and billings that ensures recovery of  
23 the cost of providing the services and shall submit a purchase  
24 voucher or a journal voucher, after the close of each month, to the  
25 agency for which services were performed.

26           SECTION 1.53. Section 496.0515(b), Government Code, is  
27 amended to read as follows:



1 (b) The department shall promulgate procedures for the  
2 purpose of purchasing under Subsection (a). The department shall  
3 file copies of the procedures promulgated under this subsection  
4 with the comptroller [~~General Services Commission~~].

5 SECTION 1.54. Section 497.024(b), Government Code, is  
6 amended to read as follows:

7 (b) If the comptroller [~~General Services Commission~~]  
8 determines that an article or product produced by the office under  
9 this subchapter does not meet the requirements of an agency of the  
10 state or a political subdivision, or that the office has determined  
11 that the office is unable to fill a requisition for an article or  
12 product, the agency or subdivision may purchase the article or  
13 product from another source.

14 SECTION 1.55. Sections 497.025(a) and (c), Government Code,  
15 are amended to read as follows:

16 (a) An agency of the state that purchases articles and  
17 products under this subchapter must requisition the purchase  
18 through the comptroller [~~General Services Commission~~] except for  
19 purchases of articles or products not included in an established  
20 contract. The purchase of articles or products not included in an  
21 established contract and that do not exceed the dollar limits  
22 established under Section 2155.132 may be acquired directly from  
23 the office on the agency's obtaining an informal or a formal  
24 quotation for the item and issuing a proper purchase order to the  
25 office. The comptroller [~~General Services Commission~~] and the  
26 department shall enter into an agreement to expedite the process by  
27 which agencies are required to requisition purchases of articles or

1 products through the comptroller [~~commission~~].

2 (c) If an agency or political subdivision purchasing goods  
3 under this subchapter desires to purchase goods or articles from  
4 the office, it may do so without complying with any other state law  
5 otherwise requiring the agency or political subdivision to request  
6 competitive bids for the article or product. Nothing herein shall  
7 be interpreted to require a political subdivision to purchase goods  
8 or articles from the office if the political subdivision determines  
9 that the goods or articles can be purchased elsewhere at a lower  
10 price. An agency may decline to purchase goods or articles from the  
11 office if the agency determines, after giving the office a final  
12 opportunity to negotiate on price, and the comptroller [~~General  
13 Services Commission~~] certifies, that the goods or articles can be  
14 purchased elsewhere at a lower price.

15 SECTION 1.56. Section 497.026, Government Code, is amended  
16 to read as follows:

17 Sec. 497.026. PRICES. The office and the comptroller  
18 [~~General Services Commission~~] shall determine the sales price of  
19 articles and products produced under this subchapter.

20 SECTION 1.57. Section 497.027, Government Code, is amended  
21 to read as follows:

22 Sec. 497.027. SPECIFICATIONS. (a) The comptroller  
23 [~~General Services Commission~~] shall establish specifications for  
24 articles and products produced under this subchapter. An article  
25 or product produced under this subchapter must meet specifications  
26 established under this subsection in effect when the article or  
27 product is produced.

1 (b) The office may manufacture articles and products to meet  
2 commercial specifications for the article or product if the  
3 comptroller [~~General Services Commission~~] has not established  
4 specifications for the article or product and the comptroller  
5 [~~commission~~] approves the commercial specifications.

6 SECTION 1.58. Section 497.029, Government Code, is amended  
7 to read as follows:

8 Sec. 497.029. NEW ARTICLES AND PRODUCTS. The comptroller  
9 [~~General Services Commission~~] may request the office to produce  
10 additional articles or products under this subchapter.

11 SECTION 1.59. Section 497.030, Government Code, is amended  
12 to read as follows:

13 Sec. 497.030. COMPTROLLER [~~GENERAL SERVICES COMMISSION~~]  
14 REPORTS. (a) Not later than the 31st day before the first day of  
15 each fiscal year, the comptroller [~~General Services Commission~~]  
16 shall submit to the office a report that summarizes the types and  
17 amounts of articles and products sold under this subchapter in the  
18 preceding nine months.

19 (b) Not later than the 100th day after the last day of each  
20 fiscal year, the comptroller [~~General Services Commission~~] shall  
21 submit to the office a report that states the types and amounts of  
22 articles and products sold under this subchapter in the preceding  
23 fiscal year.

24 (c) A report submitted by the comptroller [~~General Services~~  
25 ~~Commission~~] under this section must describe the articles and  
26 products to the extent possible in the manner those articles and  
27 products are described in catalogs prepared under Section 497.028.

1 SECTION 1.60. Section 531.0312(b), Government Code, is  
2 amended to read as follows:

3 (b) The commission shall cooperate with the Records  
4 Management Interagency Coordinating Council and the comptroller  
5 [~~General Services Commission~~] to establish a single method of  
6 categorizing information about health and human services to be used  
7 by the Records Management Interagency Coordinating Council and the  
8 Texas Information and Referral Network. The network, in  
9 cooperation with the council and the comptroller [~~General Services~~  
10 ~~Commission~~], shall ensure that:

11 (1) information relating to health and human services  
12 is included in each residential telephone directory published by a  
13 for-profit publisher and distributed to the public at minimal or no  
14 cost; and

15 (2) the single method of categorizing information  
16 about health and human services is used in a residential telephone  
17 directory described by Subdivision (1).

18 SECTION 1.61. Section 663.001(3), Government Code, is  
19 amended to read as follows:

20 (3) "Commission" means the Texas Facilities [~~General~~  
21 ~~Services~~] Commission.

22 SECTION 1.62. Sections 791.025(a) and (b), Government Code,  
23 are amended to read as follows:

24 (a) A local government, including a council of governments,  
25 may agree with another local government or with the state or a state  
26 agency, including the comptroller [~~General Services Commission~~],  
27 to purchase goods and services.

1 (b) A local government, including a council of governments,  
2 may agree with another local government, including a nonprofit  
3 corporation that is created and operated to provide one or more  
4 governmental functions and services, or with the state or a state  
5 agency, including the comptroller [~~General Services Commission~~],  
6 to purchase goods and any services reasonably required for the  
7 installation, operation, or maintenance of the goods. This  
8 subsection does not apply to services provided by firefighters,  
9 police officers, or emergency medical personnel.

10 SECTION 1.63. Section 825.103(d), Government Code, is  
11 amended to read as follows:

12 (d) Notwithstanding any other law, the retirement system  
13 has exclusive authority over the purchase of goods and services  
14 using money other than money appropriated from the general revenue  
15 fund, including specifically money from trusts under the  
16 administration of the retirement system, and Subtitle D, Title 10,  
17 does not apply to the retirement system with respect to that money.  
18 The retirement system shall acquire goods or services by  
19 procurement methods approved by the board of trustees or the  
20 board's designee. For purposes of this subsection, goods and  
21 services include all professional and consulting services and  
22 utilities as well as supplies, materials, equipment, skilled or  
23 unskilled labor, and insurance. The comptroller [~~Texas Building  
24 and Procurement Commission~~] shall procure goods or services for the  
25 retirement system at the request of the retirement system, and the  
26 retirement system may use the services of the comptroller [~~that  
27 commission~~] in procuring goods or services.

1 SECTION 1.64. Section 2051.052, Government Code, is amended  
2 to read as follows:

3 Sec. 2051.052. CANCELLATION OF PUBLISHING CONTRACT. The  
4 comptroller [~~General Services Commission~~] or a district or county  
5 official required to publish a notice may cancel a contract  
6 executed by the comptroller [~~commission~~] or official for the  
7 publication if the comptroller [~~commission~~] or official determines  
8 that the newspaper charges a rate higher than the legal rate.

9 SECTION 1.65. Section 2054.057(a), Government Code, is  
10 amended to read as follows:

11 (a) The department, with the cooperation of the  
12 comptroller [~~the General Services Commission,~~] and other  
13 appropriate state agencies, shall develop and implement a program  
14 to train state agency personnel in effectively negotiating  
15 contracts for the purchase of information resources technologies.

16 SECTION 1.66. Section 2101.038, Government Code, is amended  
17 to read as follows:

18 Sec. 2101.038. DUTIES OF STATE AUDITOR. The state auditor,  
19 when reviewing the operation of a state agency, shall audit for  
20 compliance with the uniform statewide accounting system, the  
21 comptroller's rules, and the Legislative Budget Board's performance  
22 and workload measures. The state auditor shall also audit state  
23 agencies that make purchases that are exempted from the purchasing  
24 authority of the comptroller [~~General Services Commission~~] or that  
25 make purchases under delegated purchasing authority for compliance  
26 with applicable provisions of Subtitle D, except that this section  
27 does not require the state auditor to audit purchases made under

1 Section 51.9335, Education Code, or made under Section 73.115,  
2 Education Code. The state auditor shall notify the comptroller,  
3 the governor, the lieutenant governor, the speaker of the house of  
4 representatives, and the Legislative Budget Board as soon as  
5 practicable when a state agency is not in compliance.

6 SECTION 1.67. Section 2103.032(a), Government Code, is  
7 amended to read as follows:

8 (a) The comptroller by rule may establish a system for state  
9 agencies to submit and approve electronically vouchers if the  
10 comptroller determines that the system will facilitate the  
11 operation and administration of the uniform statewide accounting  
12 system. The comptroller may establish an electronic method to  
13 approve a voucher submitted by a state agency [~~and may establish an~~  
14 ~~electronic system for the approval of vouchers by the General~~  
15 ~~Services Commission~~].

16 SECTION 1.68. Sections 2113.103(a), (c), and (d),  
17 Government Code, are amended to read as follows:

18 (a) A state agency should use the most cost-effective means  
19 of postal service available. A state agency may use appropriated  
20 money to purchase any form of mailing service available from the  
21 United States Postal Service that results in lower cost to the  
22 agency and affords service comparable in quality to other available  
23 postal services. The comptroller [~~General Services Commission~~]  
24 shall assist state agencies in determining the types and  
25 comparability of postal services available from the United States  
26 Postal Service.

27 (c) An agency other than an institution of higher education

1 as defined by Section 61.003, Education Code, that spends for  
2 postage in a fiscal year an amount that exceeds the dollar amount  
3 set by the General Appropriations Act as the maximum expenditure  
4 for postage shall purchase or rent a postage meter machine and  
5 record all purchases of postage on the machine except purchases of  
6 postage for employees in field offices and traveling employees.  
7 The rental of a postage meter machine by a state agency, including  
8 an institution of higher education, the legislature, or an agency  
9 in the legislative branch of state government, must be from a  
10 company approved by the comptroller [~~General Services Commission~~].  
11 The comptroller [~~General Services Commission~~] by rule shall adopt  
12 procedures for the renting entity to pay for postage.

13 (d) Subsection (b) does not apply to a reimbursement:

14 (1) to an authorized petty cash account;

15 (2) to a state employee for an emergency purchase of  
16 postage or emergency payment of post office box rent;

17 (3) that is received by a state agency for authorized  
18 services and is appropriated directly to the receiving agency; or

19 (4) under a contract for mailing services that may  
20 include postage, if the contract has been approved by the  
21 comptroller [~~General Services Commission~~].

22 SECTION 1.69. Section 2113.301(h), Government Code, is  
23 amended to read as follows:

24 (h) The comptroller [~~Texas Building and Procurement~~  
25 ~~Commission~~] shall appoint a task force to develop design  
26 recommendations that are to be used for state facilities and that  
27 encourage rain harvesting and water recycling by state agencies



1 using appropriated money to finance a capital expenditure for a  
2 state facility purpose.

3 SECTION 1.70. Section 2203.005(b), Government Code, is  
4 amended to read as follows:

5 (b) The state agency shall file with the comptroller  
6 [~~General Services Commission~~] a copy of all contracts between the  
7 state agency and the vendor related to the vending machine and a  
8 written description of the location of the vending machine.

9 SECTION 1.71. Sections 2205.004(a) and (c), Government  
10 Code, are amended to read as follows:

11 (a) The board is composed of:

12 (1) a member appointed by the governor;

13 (2) a member appointed by the lieutenant governor;

14 (3) a member appointed by the speaker of the house of  
15 representatives; and

16 (4) a representative of the comptroller [~~Texas~~  
17 ~~Building and Procurement Commission, designated from time to time~~  
18 ~~by the presiding officer of the commission~~].

19 (c) The representative of the comptroller [~~Texas Building~~  
20 ~~and Procurement Commission~~] is an ex officio, nonvoting member of  
21 the board and serves only in an advisory capacity.

22 SECTION 1.72. Section 2205.012(a), Government Code, is  
23 amended to read as follows:

24 (a) The board may employ and compensate staff as provided by  
25 legislative appropriation or may use staff provided by the  
26 comptroller [~~General Services Commission~~] or the state auditor's  
27 office.

1 SECTION 1.73. Section 2251.003, Government Code, is amended  
2 to read as follows:

3 Sec. 2251.003. RULES. The comptroller [~~General Services~~  
4 ~~Commission~~] shall establish procedures and adopt rules to  
5 administer this chapter[, ~~except that the commission may not~~  
6 ~~establish a procedure or adopt a rule that conflicts with a~~  
7 ~~procedure established or a rule adopted by the comptroller under~~  
8 ~~Section 2251.026(i)~~].

9 SECTION 1.74. Section 2252.003(a), Government Code, is  
10 amended to read as follows:

11 (a) The comptroller [~~General Services Commission~~] annually  
12 shall publish in the Texas Register:

13 (1) a list showing each state that regulates the award  
14 of a governmental contract to a bidder whose principal place of  
15 business is not located in that state; and

16 (2) the citation to and a summary of each state's most  
17 recent law or regulation relating to the evaluation of a bid from  
18 and award of a contract to a bidder whose principal place of  
19 business is not located in that state.

20 SECTION 1.75. Section 2254.040, Government Code, is amended  
21 to read as follows:

22 Sec. 2254.040. PROCUREMENT BY COMPTROLLER [~~GENERAL~~  
23 ~~SERVICES COMMISSION~~]. (a) The comptroller [~~General Services~~  
24 ~~Commission~~] may, on request of a state agency, procure for the  
25 agency consulting services that are covered by this subchapter.

26 (b) The comptroller [~~commission~~] may require reimbursement  
27 for the costs it incurs in procuring the services.

1 SECTION 1.76. Sections 2261.001(a) and (c), Government  
2 Code, are amended to read as follows:

3 (a) This chapter applies only to each procurement of goods  
4 or services made by a state agency that is neither made by the  
5 comptroller [~~General Services Commission~~] nor made under  
6 purchasing authority delegated to the agency by or under Section  
7 51.9335 or 73.115, Education Code, or Section 2155.131 or [~~7~~]  
8 2155.132 [~~7, or 2155.133~~].

9 (c) The comptroller [~~General Services Commission~~] on  
10 request shall determine whether a procurement or type of  
11 procurement:

12 (1) is made under purchasing authority delegated to an  
13 agency by or under Section 2155.131 or [~~7~~] 2155.132 [~~7, or 2155.133~~];  
14 or

15 (2) is made under some other source of purchasing  
16 authority.

17 SECTION 1.77. Subchapter A, Chapter 2262, Government Code,  
18 is amended by adding Section 2262.0011 to read as follows:

19 Sec. 2262.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
20 powers and duties of the commission under this chapter are  
21 transferred to the comptroller.

22 (b) In this chapter, a reference to the commission means the  
23 comptroller.

24 SECTION 1.78. Section 2302.002, Government Code, is amended  
25 to read as follows:

26 Sec. 2302.002. COMPOSITION OF COUNCIL. The council is  
27 composed of:

1 (1) one representative with knowledge of cogeneration  
2 from each of the following agencies, appointed by and serving at the  
3 pleasure of the agency's presiding officer:

4 (A) the commission;

5 (B) the Railroad Commission of Texas; and

6 (C) [~~the General Services Commission; and~~

7 [~~(D)~~] the Texas Natural Resource Conservation  
8 Commission;

9 (2) one representative of the office of the attorney  
10 general, appointed by the attorney general;

11 (3) one representative of the comptroller, appointed  
12 by the comptroller; and

13 (4) [~~(3)~~] one representative of higher education,  
14 appointed by the governor.

15 SECTION 1.79. Section 12.029(c), Agriculture Code, is  
16 amended to read as follows:

17 (c) The department shall file the policies established  
18 under this section with the comptroller [~~State Purchasing and~~  
19 ~~General Services Commission~~] and with the Texas Department of  
20 Commerce or its successor in function. The comptroller  
21 [~~commission~~] shall conduct an analysis of the department's policies  
22 and the policies' effectiveness and shall report the analysis to  
23 the governor, lieutenant governor, and speaker of the house of  
24 representatives not later than December 31 of each even-numbered  
25 year.

26 SECTION 1.80. Section 13.112, Agriculture Code, is amended  
27 to read as follows:

1           Sec. 13.112. TESTS FOR STATE INSTITUTIONS. As requested by  
2 the comptroller [~~State Purchasing and General Services Commission~~]  
3 or the governing body of a state institution, the department shall  
4 test each weight or measure used by a state institution for any  
5 purpose, including a weight or measure used in checking the receipt  
6 and distribution of supplies. The department shall report results  
7 of the test to the chairman of the governing body of the  
8 institution.

9           SECTION 1.81. Section 49.004(d), Agriculture Code, is  
10 amended to read as follows:

11           (d) Supplies, materials, services, and equipment purchased  
12 with funds obtained under this section are not subject to the  
13 purchasing [~~General Services Commission~~] authority of the  
14 comptroller.

15           SECTION 1.82. Section 201.105(c), Agriculture Code, is  
16 amended to read as follows:

17           (c) A conservation district may make any purchase of  
18 machinery or equipment through the comptroller [~~State Purchasing~~  
19 ~~and General Services Commission~~] under the terms and rules provided  
20 by law for purchases by the state or political subdivisions.

21           SECTION 1.83. Section 34.001, Education Code, is amended to  
22 read as follows:

23           Sec. 34.001. PURCHASE OF MOTOR VEHICLES. (a) A school  
24 district may purchase school motor vehicles through the comptroller  
25 [~~General Services Commission~~] or through competitive bidding under  
26 Subchapter B, Chapter 44.

27           (b) The comptroller [~~General Services Commission~~] may adopt

1 rules as necessary to implement Subsection (a).

2 SECTION 1.84. Section 34.006, Education Code, is amended to  
3 read as follows:

4 Sec. 34.006. SALE OF BUSES. (a) At the request of a school  
5 district, the comptroller [~~General Services Commission~~] shall  
6 dispose of a school bus.

7 (b) A school district is not required to dispose of a school  
8 bus through the comptroller [~~General Services Commission~~].

9 SECTION 1.85. Section 106.54, Education Code, is amended to  
10 read as follows:

11 Sec. 106.54. BIENNIAL REPORT. True and full accounts shall  
12 be kept by the board and by the employees of the university of all  
13 funds collected from all sources by the university, all the sums  
14 paid out by it, and the persons to whom and the purposes for which  
15 the sums are paid. The board shall print biennially a complete  
16 report of all sums collected, all expenditures, and the sums  
17 remaining on hand. The report shall be printed in even-numbered  
18 years between September 1 and January 1. It shall show the true  
19 condition of all funds as of the preceding August 1, and shall show  
20 all collections and expenditures for the preceding two years. The  
21 board shall furnish copies of the report to the governor,  
22 comptroller, state auditor, and attorney general[~~, and not less~~  
23 ~~than three copies to the General Services Commission~~]. The board  
24 shall furnish a copy to each member of the House Appropriations  
25 Committee, the Senate Finance Committee, and the House and Senate  
26 committees on education of each regular session of the legislature  
27 within one week after the committees are appointed.

1 SECTION 1.86. Section 107.66, Education Code, is amended to  
2 read as follows:

3 Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC.  
4 The board may make requisition to the comptroller [~~General Services~~  
5 ~~Commission~~] for furniture, furnishings, equipment, and  
6 appointments required for the proper use and enjoyment of  
7 improvements erected by the board, and the comptroller [~~General~~  
8 ~~Services Commission~~] may purchase and pay for the furnishings,  
9 equipment, and appointments.

10 SECTION 1.87. Section 141.003(c), Education Code, is  
11 amended to read as follows:

12 (c) Supplies, materials, services, and equipment purchased  
13 with these funds shall not be subject to the purchasing [~~State~~  
14 ~~Purchasing and General Services Commission~~] authority of the  
15 comptroller.

16 SECTION 1.88. Section 142.004(e), Education Code, is  
17 amended to read as follows:

18 (e) Supplies, materials, services, and equipment purchased  
19 with these funds shall not be subject to the purchasing [~~State~~  
20 ~~Purchasing and General Services Commission~~] authority of the  
21 comptroller.

22 SECTION 1.89. Section 143.005(f), Education Code, is  
23 amended to read as follows:

24 (f) Supplies, materials, services, and equipment purchased  
25 with these funds shall not be subject to the purchasing [~~State~~  
26 ~~Purchasing and General Services Commission~~] authority of the  
27 comptroller.

1 SECTION 1.90. Section 152.004(e), Education Code, is  
2 amended to read as follows:

3 (e) Supplies, materials, services, or equipment purchased  
4 by a public junior college or public technical institute with money  
5 received under this chapter are not subject to the purchasing  
6 authority of the comptroller [~~General Services Commission~~].

7 SECTION 1.91. Section 361.423, Health and Safety Code, is  
8 amended to read as follows:

9 Sec. 361.423. RECYCLING MARKET DEVELOPMENT IMPLEMENTATION  
10 PROGRAM. (a) The commission, the comptroller [~~Texas Building and~~  
11 ~~Procurement Commission~~], and other consenting state agencies as  
12 appropriate shall regularly coordinate the recycling activities of  
13 state agencies and shall each pursue an economic development  
14 strategy that focuses on the state's waste management priorities  
15 established by Section 361.022 and that includes development of  
16 recycling industries and markets as an integrated component.

17 (b) The commission and the comptroller [~~Texas Building and~~  
18 ~~Procurement Commission~~], on an ongoing basis, shall jointly:

19 (1) identify existing economic and regulatory  
20 incentives and disincentives for creating an optimal market  
21 development strategy;

22 (2) analyze or take into consideration the market  
23 development implications of:

24 (A) the state's waste management policies and  
25 regulations;

26 (B) existing and potential markets for plastic,  
27 glass, paper, lead-acid batteries, tires, compost, scrap gypsum,



1 coal combustion by-products, and other recyclable materials; and

2 (C) the state's tax structure and overall  
3 economic base;

4 (3) examine and make policy recommendations regarding  
5 the need for changes in or the development of:

6 (A) economic policies that affect  
7 transportation, such as those embodied in freight rate schedules;

8 (B) tax incentives and disincentives;

9 (C) the availability of financial capital  
10 including grants, loans, and venture capital;

11 (D) enterprise zones;

12 (E) managerial and technical assistance;

13 (F) job-training programs;

14 (G) strategies for matching market supply and  
15 market demand for recyclable materials, including intrastate and  
16 interstate coordination;

17 (H) the state recycling goal;

18 (I) public-private partnerships;

19 (J) research and development;

20 (K) government procurement policies;

21 (L) educational programs for the public,  
22 corporate and regulated communities, and government entities; and

23 (M) public health and safety regulatory  
24 policies;

25 (4) establish a comprehensive statewide strategy to  
26 expand markets for recycled products in Texas;

27 (5) provide information and technical assistance to

1 small and disadvantaged businesses, business development centers,  
2 chambers of commerce, educational institutions, and nonprofit  
3 associations on market opportunities in the area of recycling; and

4 (6) with the cooperation of the Office of  
5 State-Federal Relations, assist communities and private entities  
6 in identifying state and federal grants pertaining to recycling and  
7 solid waste management.

8 (c) In carrying out this section, the commission and the  
9 comptroller [~~Texas Building and Procurement Commission~~] may obtain  
10 research and development and technical assistance from the  
11 Hazardous Waste Research Center at Lamar University at Beaumont or  
12 other similar institutions.

13 (d) In carrying out this section, the commission and the  
14 comptroller [~~Texas Building and Procurement Commission~~] shall  
15 utilize the pollution prevention advisory committee as set out in  
16 Section 361.0215 of the Health and Safety Code.

17 SECTION 1.92. Section 361.425(a), Health and Safety Code,  
18 is amended to read as follows:

19 (a) A state agency, state court or judicial agency, a  
20 university system or institution of higher education, a county,  
21 municipality, school district, or special district shall:

22 (1) in cooperation with the comptroller [~~General~~  
23 ~~Services Commission~~] or the commission establish a program for the  
24 separation and collection of all recyclable materials generated by  
25 the entity's operations, including, at a minimum, aluminum, steel  
26 containers, aseptic packaging and polycoated paperboard cartons,  
27 high-grade office paper, and corrugated cardboard;

1           (2) provide procedures for collecting and storing  
2 recyclable materials, containers for recyclable materials, and  
3 procedures for making contractual or other arrangements with buyers  
4 of recyclable materials;

5           (3) evaluate the amount of recyclable material  
6 recycled and modify the recycling program as necessary to ensure  
7 that all recyclable materials are effectively and practicably  
8 recycled; and

9           (4) establish educational and incentive programs to  
10 encourage maximum employee participation.

11           SECTION 1.93. Section 361.427(a), Health and Safety Code,  
12 is amended to read as follows:

13           (a) The commission, in consultation with the comptroller  
14 [~~General Services Commission~~], shall promulgate rules to establish  
15 guidelines which specify the percent of the total content of a  
16 product which must consist of recycled material for the product to  
17 be a "recycled product."

18           SECTION 1.94. Section 841.083(c-2), Health and Safety  
19 Code, is amended to read as follows:

20           (c-2) If the equipment necessary to implement the tracking  
21 service is available through a contract entered into by the  
22 comptroller [~~Texas Building and Procurement Commission~~], the  
23 Department of Public Safety or the council, as appropriate, shall  
24 acquire that equipment through that contract.

25           SECTION 1.95. Section 32.044(d), Human Resources Code, is  
26 amended to read as follows:

27           (d) The department with the assistance of the Health and

1 Human Services Commission and the comptroller [~~General Services~~  
2 ~~Commission~~] shall adopt rules under this section that allow the  
3 public or private hospital to make purchases through group  
4 purchasing programs except when the department has reason to  
5 believe that a better value is available through another  
6 procurement method.

7 SECTION 1.96. Section 111.0553(a), Human Resources Code, is  
8 amended to read as follows:

9 (a) The commission shall develop and, following review and  
10 approval by the board, implement agency-wide procurement  
11 procedures to:

12 (1) ensure compliance with the best-value purchasing  
13 requirements of Section 2155.144(c), Government Code;

14 (2) document that a best-value review of vendors has  
15 occurred;

16 (3) document the reasons for selecting a vendor;

17 (4) negotiate price discounts with high-volume  
18 vendors;

19 (5) consolidate purchases with other agencies,  
20 including the Texas Department of Health and the comptroller  
21 [~~General Services Commission~~], to achieve best value; and

22 (6) provide effective public notification to  
23 potential vendors of planned commission purchases.

24 SECTION 1.97. Chapter 122, Human Resources Code, is amended  
25 by adding Section 122.0011 to read as follows:

26 Sec. 122.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
27 powers and duties of the commission under this chapter are

1 transferred to the comptroller.

2 (b) In this chapter, a reference to the commission means the  
3 comptroller.

4 SECTION 1.98. Article 21A.0135(a), Insurance Code, is  
5 amended to read as follows:

6 (a) The receiver shall use a competitive bidding process in  
7 the selection of any special deputies appointed under Section  
8 21A.102 or 21A.154. The process must include procedures to promote  
9 the participation of historically underutilized businesses that  
10 have been certified by the comptroller [~~Texas Building and~~  
11 ~~Procurement Commission~~] under Section 2161.061, Government Code.

12 SECTION 1.99. Sections 201.007(b), (c), (f), and (g), Local  
13 Government Code, are amended to read as follows:

14 (b) After the settlement of the outstanding indebtedness of  
15 an abolished municipality and the satisfaction of the other  
16 applicable requirements of Chapter 62, Local Government Code, the  
17 municipality's governing body at the time the municipality is  
18 abolished, or the receiver or trustees if appointed by a court,  
19 shall transfer the records of the municipality to the custody of the  
20 comptroller [~~General Services Commission~~]. A record of an abolished  
21 municipality may not be sold to satisfy an outstanding  
22 indebtedness.

23 (c) After the settlement of the outstanding indebtedness of  
24 an abolished special-purpose district or authority, other than a  
25 school district, and the satisfaction of the other applicable  
26 requirements of state law establishing or permitting the  
27 establishment of the district or authority or governing its

1 abolition, the district's governing body at the time the district  
2 is abolished shall transfer the records of the district to the  
3 custody of the comptroller [~~General Services Commission~~]. A record  
4 of an abolished special-purpose district or authority may not be  
5 sold to satisfy an outstanding indebtedness.

6 (f) The cost of the transfer of records to the comptroller  
7 [~~General Services Commission~~] under this section shall be paid for  
8 out of the funds of the abolished local government. If funds of the  
9 local government are not available for this purpose, the cost of the  
10 transfer shall be paid out of the funds of the comptroller [~~General  
11 Services Commission~~].

12 (g) The records retention schedules issued by the  
13 commission shall be used, as far as practicable, as the basis for  
14 the retention and disposition of local government records  
15 transferred to the custody of the comptroller [~~General Services  
16 Commission~~] under this section.

17 SECTION 1.100. Section 252.0215, Local Government Code, is  
18 amended to read as follows:

19 Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO  
20 HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an  
21 expenditure of more than \$3,000 but less than \$25,000, shall  
22 contact at least two historically underutilized businesses on a  
23 rotating basis, based on information provided by the comptroller  
24 [~~General Services Commission~~] pursuant to Chapter 2161, Government  
25 Code. If the list fails to identify a historically underutilized  
26 business in the county in which the municipality is situated, the  
27 municipality is exempt from this section.

1 SECTION 1.101. The heading to Section 262.002, Local  
2 Government Code, is amended to read as follows:

3 Sec. 262.002. AUTHORITY TO PURCHASE ROAD EQUIPMENT AND  
4 TIRES THROUGH COMPTROLLER [~~STATE PURCHASING AND GENERAL SERVICES~~  
5 ~~COMMISSION~~].

6 SECTION 1.102. Section 262.002(a), Local Government Code,  
7 is amended to read as follows:

8 (a) The commissioners court of a county may purchase through  
9 the comptroller [~~State Purchasing and General Services Commission~~]  
10 road machinery and equipment, tires, and tubes to be used by the  
11 county.

12 SECTION 1.103. Section 271.082, Local Government Code, is  
13 amended to read as follows:

14 Sec. 271.082. PURCHASING PROGRAM. (a) The comptroller  
15 [~~State Purchasing and General Services Commission~~] shall establish  
16 a program by which the comptroller [~~commission~~] performs purchasing  
17 services for local governments. The services must include:

18 (1) the extension of state contract prices to  
19 participating local governments when the comptroller [~~commission~~]  
20 considers it feasible;

21 (2) solicitation of bids on items desired by local  
22 governments if the solicitation is considered feasible by the  
23 comptroller [~~commission~~] and is desired by the local government;  
24 and

25 (3) provision of information and technical assistance  
26 to local governments about the purchasing program.

27 (b) The comptroller [~~commission~~] may charge a participating

1 local government an amount not to exceed the actual costs incurred  
2 by the comptroller [~~commission~~] in providing purchasing services to  
3 the local government under the program.

4 (c) The comptroller [~~commission~~] may adopt rules and  
5 procedures necessary to administer the purchasing program.

6 SECTION 1.104. Section 113.283(a), Natural Resources Code,  
7 is amended to read as follows:

8 (a) The council is composed of the following individuals:

9 (1) the commissioner of the General Land Office;

10 (2) the members of the Railroad Commission of Texas;

11 (3) the comptroller [~~chairman of the General Services~~  
12 ~~Commission~~]; and

13 (4) the chairman of the Texas Natural Resource  
14 Conservation Commission.

15 SECTION 1.105. Section 161.020, Natural Resources Code, is  
16 amended to read as follows:

17 Sec. 161.020. PURCHASE OF SUPPLIES. The board may purchase  
18 at state expense through the comptroller [~~board of control~~]  
19 supplies, including stationery, stamps, printing, record books,  
20 and other things that may be needed to carry on the board's  
21 functions as a state agency in performing the duties imposed by this  
22 chapter.

23 SECTION 1.106. Section 12.008(c), Parks and Wildlife Code,  
24 is amended to read as follows:

25 (c) The comptroller [~~State Purchasing and General Services~~  
26 ~~Commission~~] shall execute any sale of products under this section  
27 under the general law governing the sale of state property;



1 however, the department shall determine the quantity of products to  
2 be offered for sale and the consideration in lieu of money to be  
3 received under the sale. The department may lease grazing or  
4 farming rights under this section. In leasing the rights, the  
5 department must follow a competitive bidding procedure.

6 SECTION 1.107. Section 81.404(b), Parks and Wildlife Code,  
7 is amended to read as follows:

8 (b) Contracts for the removal of fur-bearing animals and  
9 reptiles shall be entered into under the direction of the  
10 comptroller [~~State Purchasing and General Services Commission~~] in  
11 the manner provided by general law for the sale of state property,  
12 except that the department shall determine the means, methods, and  
13 quantities of fur-bearing animals and reptiles to be taken, and the  
14 department may accept or reject any bid received by the comptroller  
15 [~~State Purchasing and General Services Commission~~].

16 SECTION 1.108. Section 111.0035(f), Tax Code, is amended to  
17 read as follows:

18 (f) Except as provided by Subsection (g), the comptroller  
19 shall award a contract made under this section through a  
20 competitive bidding process that complies with Section 2155.132,  
21 Government Code[, and the rules adopted by the General Services  
22 ~~Commission relating to delegated purchases~~]. If the comptroller  
23 receives not more than three bids through the competitive bidding  
24 process, the comptroller shall report the number of bidders to the  
25 Legislative Budget Board before awarding the contract.

26 SECTION 1.109. Section 111.0036(f), Tax Code, is amended to  
27 read as follows:

1 (f) Except as provided by Subsection (g), the comptroller  
2 shall award a contract made under this section through a  
3 competitive bidding process that complies with Section 2155.132,  
4 Government Code~~[, and the rules adopted by the General Services~~  
5 ~~Commission relating to delegated purchases]~~. If the comptroller  
6 receives not more than three bids through the competitive bidding  
7 process, the comptroller shall report the number of bidders to the  
8 Legislative Budget Board before awarding the contract.

9 SECTION 1.110. Section 201.706, Transportation Code, is  
10 amended to read as follows:

11 Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From  
12 appropriated funds, the department shall assist counties with  
13 materials to repair and maintain county roads. The department  
14 shall:

15 (1) provide that the total annual value of assistance  
16 under this section is:

17 (A) at least \$12 million per year for fiscal  
18 years 1998 and 1999; and

19 (B) at least \$6 million per year for a fiscal year  
20 other than 1998 or 1999;

21 (2) make maximum usage of surplus materials on hand;

22 (3) develop rules and procedures to implement this  
23 section and to provide for the distribution of the assistance with  
24 preference given to counties with an above average number of  
25 overweight trucks receiving weight tolerance permits based on the  
26 previous year's permit totals; and

27 (4) undertake cooperative and joint procurement of

1 road materials with counties under [~~General Services Commission~~]  
2 procedures of the comptroller.

3 SECTION 1.111. Section 202.082(b), Transportation Code, is  
4 amended to read as follows:

5 (b) Disposal of reclaimed asphalt pavement under this  
6 section is not subject to:

7 (1) Chapter 2175, Government Code; or

8 (2) the statutory or regulatory authority of the  
9 comptroller formerly exercised by the General Services Commission.

10 SECTION 1.112. Section 223.041(b), Transportation Code, is  
11 amended to read as follows:

12 (b) The department, in setting a minimum level of  
13 expenditures in these engineering-related activities that will be  
14 paid to the private sector providers, shall provide that the  
15 expenditure level for a state fiscal year in all strategies paid to  
16 private sector providers for all department engineering-related  
17 services for transportation projects is not less than 35 percent of  
18 the total funds appropriated in Strategy A.1.1. Plan/Design/Manage  
19 and Strategy A.1.2. of the General Appropriations Act for that  
20 state fiscal biennium. The department shall attempt to make  
21 expenditures for engineering-related services with private sector  
22 providers under this subsection with historically underutilized  
23 businesses, as defined by Section 2161.001, Government Code, in an  
24 amount consistent with the applicable provisions of the Government  
25 Code, any applicable state disparity study, and in accordance with  
26 the good-faith-effort procedures outlined in the rules adopted by  
27 the comptroller [~~Texas Building and Procurement Commission~~].

1 SECTION 1.113. Section 502.052(c), Transportation Code, is  
2 amended to read as follows:

3 (c) To promote highway safety, each license plate shall be  
4 made with a reflectorized material that provides effective and  
5 dependable brightness for the period for which the plate is issued.  
6 The purchase of reflectorized material shall be submitted to the  
7 comptroller [~~General Services Commission~~] for approval.

8 SECTION 1.114. Section 502.053(b), Transportation Code, is  
9 amended to read as follows:

10 (b) When manufacturing is started, the Texas Department of  
11 Criminal Justice, the Texas Department of Transportation, and the  
12 comptroller [~~Texas Building and Procurement Commission~~], after  
13 negotiation, shall set the price to be paid for each license plate  
14 or insignia. The price must be determined from:

- 15 (1) the cost of metal, paint, and other materials  
16 purchased;
- 17 (2) the inmate maintenance cost per day;
- 18 (3) overhead expenses;
- 19 (4) miscellaneous charges; and
- 20 (5) a previously approved amount of profit for the  
21 work.

22 SECTION 1.115. Section 14.058, Utilities Code, is amended  
23 to read as follows:

24 Sec. 14.058. FEES FOR ELECTRONIC ACCESS TO INFORMATION.  
25 The fees charged by the commission for electronic access to  
26 information that is stored in the system established by the  
27 commission using funds from the Texas Public Finance Authority and

1 approved by the Department of Information Resources shall be  
2 established:

3 (1) by the commission in consultation with the  
4 comptroller [~~General Services Commission~~]; and

5 (2) in an amount reasonable and necessary to retire  
6 the debt to the Texas Public Finance Authority associated with  
7 establishing the electronic access system.

8 SECTION 1.116. Section 222.004(v), Water Code, is amended  
9 to read as follows:

10 (v) The authority may enter into contracts with this state  
11 through the comptroller [~~Texas Building and Procurement~~  
12 ~~Commission~~] providing for direct sale by the authority of  
13 electrical power to this state for use in buildings or other  
14 facilities owned, leased, or rented by this state in Travis County.

15 SECTION 1.117. The following provisions of the Government  
16 Code are repealed:

- 17 (1) Section 403.241(1);  
18 (2) Section 2103.063;  
19 (3) Section 2152.003;  
20 (4) Section 2152.104(c);  
21 (5) Sections 2155.323(c) and (d);  
22 (6) Section 2161.002(b); and  
23 (7) Section 2175.182(c).

24 SECTION 1.118. Section 12.014(b), Agriculture Code, is  
25 repealed.

26 SECTION 1.119. On the effective date of this Act, the Texas  
27 Building and Procurement Commission is renamed the Texas Facilities

1 Commission.

2 SECTION 1.120. (a) The Texas Facilities Commission retains  
3 the powers and duties of the former Texas Building and Procurement  
4 Commission that relate to charge and control of state buildings,  
5 grounds, or property, to maintenance or repair of state buildings,  
6 grounds, or property, to child care services for state employees  
7 under Chapter 663, Government Code, to construction of a state  
8 building, or to the purchase or lease of buildings, grounds, or  
9 property by or for the state.

10 (a-1) Except as otherwise provided by this Act or other law,  
11 all other powers and duties of the Texas Building and Procurement  
12 Commission are transferred to the comptroller.

13 (b) All employees of the Texas Building and Procurement  
14 Commission who primarily perform duties related to an activity  
15 described by Subsection (a) of this section, including employees  
16 who provide administrative support for those services, remain  
17 employees of the Texas Facilities Commission.

18 (b-1) All other employees of the Texas Building and  
19 Procurement Commission are transferred to the office of the  
20 comptroller. A management employee of the Texas Building and  
21 Procurement Commission who is transferred to the office of the  
22 comptroller under this subsection does not automatically continue  
23 to hold the person's management position. To hold the management  
24 position on other than an interim basis the person must apply for  
25 the position with the comptroller.

26 (c) A rule, form, policy, procedure, or decision of the  
27 Texas Building and Procurement Commission that is related to an

1 activity described by Subsection (a) of this section continues in  
2 effect as a rule, form, policy, procedure, or decision of the Texas  
3 Facilities Commission.

4 (c-1) A rule, form, policy, procedure, or decision of the  
5 Texas Building and Procurement Commission that is related to an  
6 activity transferred by this Act to the comptroller continues in  
7 effect as a rule, form, policy, procedure, or decision of the  
8 comptroller until superseded by an act of the comptroller.

9 (d) A court case, administrative proceeding, contract  
10 negotiation, or other proceeding involving the Texas Building and  
11 Procurement Commission that is related to an activity described by  
12 Subsection (a) of this section is unaffected by the change in name  
13 of the agency.

14 (d-1) A court case, administrative proceeding, contract  
15 negotiation, or other proceeding involving the Texas Building and  
16 Procurement Commission that is related to an activity transferred  
17 by this Act to the comptroller is transferred without change in  
18 status to the comptroller, and the comptroller assumes, without a  
19 change in status, the position of the Texas Building and  
20 Procurement Commission in a negotiation or proceeding relating to  
21 an activity transferred by this Act to the comptroller to which the  
22 Texas Building and Procurement Commission is a party.

23 (e) All money, contracts, leases, rights, bonds, and  
24 obligations of the Texas Building and Procurement Commission  
25 related to an activity described by Subsection (a) of this section  
26 remain with the Texas Facilities Commission.

27 (e-1) All money, contracts, memoranda of understanding,

1 leases, rights, bonds, and obligations of the Texas Building and  
2 Procurement Commission related to an activity transferred by this  
3 Act to the comptroller are transferred to the comptroller.

4 (f) All personal property, including records, in the  
5 custody of the Texas Building and Procurement Commission related to  
6 an activity described by Subsection (a) of this section remains the  
7 property of the Texas Facilities Commission.

8 (f-1) All personal property, including records, in the  
9 custody of the Texas Building and Procurement Commission related to  
10 an activity transferred by this Act to the comptroller becomes the  
11 property of the comptroller.

12 (g) All funds appropriated by the legislature to the Texas  
13 Building and Procurement Commission for an activity described by  
14 Subsection (a) of this section, including funds for providing  
15 administrative support for those services, continue as  
16 appropriations to the Texas Facilities Commission.

17 (g-1) All funds appropriated by the legislature to the Texas  
18 Building and Procurement Commission for an activity transferred by  
19 this Act to the comptroller, including funds for providing  
20 administrative support for those services, are transferred to the  
21 comptroller.

22 SECTION 1.121. In accordance with Section 1.117 of this  
23 article, the comptroller and the Texas Facilities Commission shall  
24 adopt a memorandum of understanding that identifies and allocates  
25 between the office of the comptroller and the Texas Facilities  
26 Commission the powers, duties, property, employees,  
27 appropriations, and other items transferred under Section 1.117.



1 The memorandum of understanding must also:

2 (1) identify and allocate between the office of the  
3 comptroller and the Texas Facilities Commission the employees and  
4 real and personal property of the Texas Building and Procurement  
5 Commission, including space in the central administrative offices  
6 of the commission, used to generally support the activities of the  
7 Texas Building and Procurement Commission; and

8 (2) provide a timetable for any necessary or advisable  
9 movement of the physical location of employees and property.

10 ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

11 SECTION 2.01. Section 35.102(c), Business & Commerce Code,  
12 is amended to read as follows:

13 (c) This section does not apply to the Department of  
14 Information Resources [~~General Services Commission~~], in its  
15 capacity as the telecommunications provider for the state, and an  
16 institution of higher education, as that term is defined by Section  
17 61.003, Education Code, that provides interactive computer  
18 service.

19 SECTION 2.02. Section 44.031(i), Education Code, is amended  
20 to read as follows:

21 (i) A school district may acquire computers and  
22 computer-related equipment, including computer software, through  
23 the Department of Information Resources [~~General Services~~  
24 ~~Commission~~] under contracts entered into in accordance with Chapter  
25 2054 or 2157, Government Code. Before issuing an invitation for  
26 bids, the department [~~commission~~] shall consult with the agency  
27 concerning the computer and computer-related equipment needs of

1 school districts. To the extent possible the resulting contract  
2 shall provide for such needs.

3 SECTION 2.03. Section 2054.123(a), Government Code, is  
4 amended to read as follows:

5 (a) The department, in consultation with the [~~Texas~~  
6 ~~Building and Procurement Commission, the~~] state auditor[~~7~~] and the  
7 comptroller, shall create an interagency panel of representatives  
8 appointed by those agencies and officers to coordinate and maintain  
9 a training program to assist state agencies in performing software  
10 audits, managing software, and purchasing software and software  
11 licenses. Each state agency shall cooperate with the panel in the  
12 evaluation of the agency's needs for software management and shall  
13 donate agency resources to the evaluation of the agency as the panel  
14 requires.

15 SECTION 2.04. Section 2054.201, Government Code, is amended  
16 to read as follows:

17 Sec. 2054.201. COMPOSITION; TERMS. (a) The  
18 telecommunications planning and oversight council is composed of:

19 (1) a representative of the comptroller's office,  
20 appointed by the comptroller;

21 (2) the executive director of the Telecommunications  
22 Infrastructure Fund Board;

23 (3) a representative of the department [~~Texas Building~~  
24 ~~and Procurement Commission~~], appointed by the executive director of  
25 the department [~~commission~~];

26 (4) a member representing the interests of state  
27 agencies with 1,000 employees or more, appointed by the lieutenant

1 governor;

2 (5) a member representing the interests of state  
3 agencies with fewer than 1,000 employees, appointed by the speaker  
4 of the house of representatives;

5 (6) a member representing the interests of  
6 institutions of higher education, appointed by the commissioner of  
7 higher education;

8 (7) a member representing the interests of The  
9 University of Texas System, appointed by the chancellor;

10 (8) a member representing the interests of The Texas  
11 A&M University System, appointed by the chancellor;

12 (9) a member representing the interests of public  
13 school districts that are customers of the consolidated  
14 telecommunications system, appointed by the governor;

15 (10) a member representing the interests of local  
16 governments that are customers of the consolidated  
17 telecommunications system, appointed by the governor;

18 (11) two public members with telecommunications  
19 expertise, appointed by the governor; and

20 (12) a representative of the Health and Human Services  
21 Commission, appointed by the commissioner of health and human  
22 services.

23 (b) Appointed members of the telecommunications planning  
24 and oversight council serve staggered two-year terms, with the  
25 terms of four or five members expiring August 31 each year, except  
26 that:

27 (1) the representative of the comptroller's office

1 serves at the discretion of the comptroller;

2 (2) the representative of the department [~~Texas~~  
3 ~~Building and Procurement Commission~~] serves at the discretion of  
4 the executive director of the department [~~commission~~]; and

5 (3) the representative of the Health and Human  
6 Services Commission serves at the discretion of the commissioner of  
7 health and human services.

8 SECTION 2.05. Sections 2054.304(b) and (c), Government  
9 Code, are amended to read as follows:

10 (b) Except as provided by Subsection (c), the state agency  
11 must file the project plan with the quality assurance team and the  
12 department [~~Texas Building and Procurement Commission~~] before the  
13 agency:

14 (1) spends more than 10 percent of allocated funds for  
15 the project; or

16 (2) first issues a vendor solicitation for the  
17 project.

18 (c) Unless the project plan has been filed under this  
19 section:

20 (1) [~~the Texas Building and Procurement Commission may~~  
21 ~~not issue~~] a vendor solicitation may not be issued for the project;  
22 and

23 (2) the agency may not post a vendor solicitation for  
24 the project in the state business daily under Section 2155.083.

25 SECTION 2.06. Section 771.031(b), Health and Safety Code,  
26 is amended to read as follows:

27 (b) The following individuals serve as nonvoting ex officio

1 members:

2 (1) the executive director of the Public Utility  
3 Commission of Texas, or an individual designated by the executive  
4 director;

5 (2) the executive director of the Department of  
6 Information Resources [~~General Services Commission~~], or an  
7 individual designated by the executive director; and

8 (3) the commissioner of public health, or an  
9 individual who has responsibility for the poison control network  
10 designated by the commissioner.

11 SECTION 2.07. Section 771.0711(e), Health and Safety Code,  
12 is amended to read as follows:

13 (e) A member of the commission, the governing body of a  
14 public agency, or the Department of Information Resources [~~General~~  
15 ~~Services Commission~~] is not liable for any claim, damage, or loss  
16 arising from the provision of wireless 9-1-1 service unless the act  
17 or omission causing the claim, damage, or loss violates a statute or  
18 ordinance applicable to the action.

19 SECTION 2.08. Section 55.203(f), Utilities Code, is amended  
20 to read as follows:

21 (f) The Department of Information Resources [~~General~~  
22 ~~Services Commission~~] shall cooperate with the commission and with  
23 publishers to ensure that the subject matter listing of programs  
24 and telephone numbers in the telephone directories are consistent  
25 with the categorization developed by the Records Management  
26 Interagency Coordinating Council under Section 441.203(j),  
27 Government Code.

ARTICLE 3. CONFORMING AMENDMENTS; MISCELLANEOUS

SECTION 3.01. Section 201.002(b), Transportation Code, is amended to read as follows:

(b) The comptroller [~~General Services Commission~~] shall contract for equipment and supplies, including seals and number plates, required by law in the administration of the registration of vehicles and in the operation of the department.

SECTION 3.02. Section 403.023(b), Government Code, is amended to read as follows:

(b) The comptroller may adopt rules relating to the use of credit or charge cards by state agencies to pay for purchases. The rules may:

(1) authorize a state agency to use credit or charge cards if the comptroller determines the best interests of the state would be promoted;

(2) authorize a state agency to use credit or charge cards to pay for purchases without providing the same authorization to other state agencies; and

(3) authorize a state agency to use credit or charge cards to pay for purchases that otherwise may be paid out of the agency's petty cash accounts under Subchapter K[, ~~and~~

~~[(4) authorize the General Services Commission to contract with one or more credit or charge card issuers on behalf of state agencies].~~

SECTION 3.03. Section 441.203(a), Government Code, is amended to read as follows:

(a) The Records Management Interagency Coordinating Council

1 is composed of:

2 (1) permanent members, consisting of the following  
3 officers or the officer's designee:

4 (A) the secretary of state;

5 (B) the state auditor, who serves as a nonvoting  
6 member;

7 (C) the comptroller of public accounts;

8 (D) the attorney general;

9 (E) the director and librarian; and

10 (F) [~~the executive director of the Texas Building~~  
11 ~~and Procurement Commission; and~~

12 [~~(G)~~] the executive director of the Department of  
13 Information Resources; and

14 (2) auxiliary voting members, consisting of:

15 (A) one faculty member of a public senior college  
16 or university, as defined by Section 61.003, Education Code, who  
17 has demonstrated knowledge of records and information management;  
18 and

19 (B) two individuals who serve as information  
20 resources managers, under Section 2054.071, for state agencies in  
21 the executive branch of government.

22 SECTION 3.04. Section 551.0726(a), Government Code, is  
23 amended to read as follows:

24 (a) The Texas Facilities [~~Building and Procurement~~]  
25 Commission may conduct a closed meeting to deliberate business and  
26 financial issues relating to a contract being negotiated if, before  
27 conducting the closed meeting:

1           (1) the commission votes unanimously that  
2 deliberation in an open meeting would have a detrimental effect on  
3 the position of the state in negotiations with a third person; and

4           (2) the attorney advising the commission issues a  
5 written determination finding that deliberation in an open meeting  
6 would have a detrimental effect on the position of the state in  
7 negotiations with a third person and setting forth that finding  
8 therein.

9           SECTION 3.05. Section 552.009(a), Government Code, as  
10 amended by Chapters 329 and 716, Acts of the 79th Legislature,  
11 Regular Session, 2005, is reenacted to read as follows:

12           (a) The open records steering committee is composed of two  
13 representatives of the attorney general's office and:

14           (1) a representative of each of the following,  
15 appointed by its governing entity:

16                   (A) the comptroller's office;

17                   (B) the Department of Public Safety;

18                   (C) the Department of Information Resources; and

19                   (D) the Texas State Library and Archives  
20 Commission;

21           (2) five public members, appointed by the attorney  
22 general; and

23           (3) a representative of each of the following types of  
24 local governments, appointed by the attorney general:

25                   (A) a municipality;

26                   (B) a county; and

27                   (C) a school district.



1 SECTION 3.06. Section 571.061(a), Government Code, is  
2 amended to read as follows:

3 (a) The commission shall administer and enforce:

4 (1) Chapters 302, 303, 305, 572, and 2004;

5 (2) Subchapter C, Chapter 159, Local Government Code,  
6 in connection with a county judicial officer, as defined by Section  
7 159.051, Local Government Code, who elects to file a financial  
8 statement with the commission; ~~and~~

9 (3) Title 15, Election Code; and

10 (4) Sections 2152.064 and 2155.003.

11 SECTION 3.07. Section 571.091(a), Government Code, is  
12 amended to read as follows:

13 (a) The commission shall prepare a written opinion  
14 answering the request of a person subject to any of the following  
15 laws for an opinion about the application of any of these laws to  
16 the person in regard to a specified existing or hypothetical  
17 factual situation:

18 (1) Chapter 302;

19 (2) Chapter 303;

20 (3) Chapter 305;

21 (4) Chapter 2004;

22 (5) Chapter 572;

23 (6) Subchapter C, Chapter 159, Local Government Code,  
24 as provided by Section 571.061(a)(2);

25 (7) Title 15, Election Code;

26 (8) Chapter 36, Penal Code; ~~or~~

27 (9) Chapter 39, Penal Code;

1           (10) Section 2152.064; or

2           (11) Section 2155.003.

3           SECTION 3.08. Section 572.003(c), Government Code, is  
4 amended to read as follows:

5           (c) The term means a member of:

6                 (1) the Public Utility Commission of Texas;

7                 (2) the Texas Department of Economic Development;

8                 (3) the Texas Commission on Environmental Quality;

9                 (4) the Texas Alcoholic Beverage Commission;

10                (5) The Finance Commission of Texas;

11                (6) the Texas Facilities [~~Building and Procurement~~]  
12 Commission;

13                (7) the Texas Board of Criminal Justice;

14                (8) the board of trustees of the Employees Retirement  
15 System of Texas;

16                (9) the Texas Transportation Commission;

17                (10) the Texas Workers' Compensation Commission;

18                (11) the Texas Department of Insurance;

19                (12) the Parks and Wildlife Commission;

20                (13) the Public Safety Commission;

21                (14) the Texas Ethics Commission;

22                (15) the State Securities Board;

23                (16) the Texas Water Development Board;

24                (17) the governing board of a public senior college or  
25 university as defined by Section 61.003, Education Code, or of The  
26 University of Texas Southwestern Medical Center at Dallas, The  
27 University of Texas Medical Branch at Galveston, The University of

1 Texas Health Science Center at Houston, The University of Texas  
2 Health Science Center at San Antonio, The University of Texas  
3 System Cancer Center, The University of Texas Health Science Center  
4 at Tyler, University of North Texas Health Science Center at Fort  
5 Worth, Texas Tech University Health Sciences Center, Texas State  
6 Technical College--Harlingen, Texas State Technical  
7 College--Marshall, Texas State Technical College--Sweetwater, or  
8 Texas State Technical College--Waco;

9 (18) the Texas Higher Education Coordinating Board;

10 (19) the Texas Workforce Commission;

11 (20) the State Banking Board;

12 (21) the board of trustees of the Teacher Retirement  
13 System of Texas;

14 (22) the Credit Union Commission;

15 (23) the School Land Board;

16 (24) the board of the Texas Department of Housing and  
17 Community Affairs;

18 (25) the Texas Racing Commission;

19 (26) the State Board of Dental Examiners;

20 (27) the Texas State Board of Medical Examiners;

21 (28) the Board of Pardons and Paroles;

22 (29) the Texas State Board of Pharmacy;

23 (30) the Department of Information Resources  
24 governing board;

25 (31) the Motor Vehicle Board;

26 (32) the Texas Real Estate Commission;

27 (33) the board of directors of the State Bar of Texas;

- 1 (34) the bond review board;
- 2 (35) the Texas Board of Health;
- 3 (36) the Texas Board of Mental Health and Mental
- 4 Retardation;
- 5 (37) the Texas Board on Aging;
- 6 (38) the Texas Board of Human Services;
- 7 (39) the Texas Funeral Service Commission;
- 8 (40) the board of directors of a river authority
- 9 created under the Texas Constitution or a statute of this state; or
- 10 (41) the Texas Lottery Commission.

11 SECTION 3.09. Subchapter B, Chapter 2152, Government Code,  
12 is amended by adding Section 2152.064 to read as follows:

13 Sec. 2152.064. CONFLICTS OF INTEREST IN CERTAIN  
14 TRANSACTIONS. (a) A commission member, employee, or appointee may  
15 not:

16 (1) have an interest in, or in any manner be connected  
17 with, a contract or bid for a purchase of goods or services,  
18 including professional or consulting services, by the commission or  
19 another agency of the state in connection with the commission's  
20 duties concerning:

21 (A) charge and control of state buildings,  
22 grounds, or property;

23 (B) maintenance or repair of state buildings,  
24 grounds, or property;

25 (C) construction of a state building; or

26 (D) purchase or lease of state buildings,  
27 grounds, or property by or for the state; or

1           (2) in any manner, including by rebate or gift, accept  
2 or receive, directly or indirectly, from a person to whom a contract  
3 described by Subdivision (1) may be awarded, anything of value or a  
4 promise, obligation, or contract for future reward or compensation.

5           (b) A commission member, employee, or appointee who  
6 violates Subsection (a)(2) is subject to dismissal.

7           (c) In consultation with the commission, the Texas Ethics  
8 Commission shall adopt rules to implement this section.

9           (d) The Texas Ethics Commission shall administer and  
10 enforce this section and may prepare written opinions regarding  
11 this section in accordance with Subchapter D, Chapter 571.

12           SECTION 3.10. Section 2203.001(b), Government Code, is  
13 amended to read as follows:

14           (b) The report must be made daily on a form prescribed by the  
15 comptroller [~~General Services Commission~~].

16           SECTION 3.11. Section 2254.024(b), Government Code, is  
17 amended to read as follows:

18           (b) If the governor and [7] comptroller [~~7~~, ~~and General~~  
19 ~~Services Commission~~] consider it more advantageous to the state to  
20 procure a particular consulting service under the procedures of  
21 Chapters 2155-2158, instead of under this subchapter, they may make  
22 a memorandum of understanding to that effect and each adopt the  
23 memorandum by rule. Procurement of a consulting service described  
24 in a memorandum of understanding under this subsection is subject  
25 only to Chapters 2155-2158.

26           SECTION 3.12. Section 2254.039(b), Government Code, is  
27 amended to read as follows:

1 (b) The comptroller shall give proposed rules to the  
2 governor [~~and the General Services Commission~~] for review and  
3 comment before adopting the rules.

4 ARTICLE 4. STUDY OF TEXAS FACILITIES COMMISSION FUNCTIONS

5 SECTION 4.01. Subchapter A, Chapter 2152, Government Code,  
6 is amended by adding Section 2152.004 to read as follows:

7 Sec. 2152.004. JOINT STUDY TO ASSESS THE FUNCTIONS OF THE  
8 TEXAS FACILITIES COMMISSION. (a) The executive director of the  
9 commission, the Legislative Budget Board, and the General Land  
10 Office shall conduct an in-depth study of the functions of the Texas  
11 Facilities Commission. The study must determine the best  
12 allocation of state resources for:

13 (1) the acquisition of state buildings through lease  
14 or purchase;

15 (2) the construction of buildings owned by the state;

16 (3) the control and maintenance of buildings owned or  
17 leased by the state; and

18 (4) all other related responsibilities performed by  
19 the commission.

20 (b) The joint study must consider financial and other  
21 benefits to the state of outsourcing any of the commission's  
22 functions to private entities or of allocating those functions to  
23 other state agencies.

24 (c) Not later than November 1, 2008, the executive director  
25 of the commission, the Legislative Budget Board, and the General  
26 Land Office shall submit a written report to the governor,  
27 lieutenant governor, and speaker of the house of representatives

1 that contains the findings of the joint study and any  
2 recommendations.

3 (d) This section expires January 1, 2009.

4 ARTICLE 5. EFFECTIVE DATE

5 SECTION 5.01. This Act takes effect September 1, 2007.