

By: Swinford

H.B. No. 3560

Substitute the following for H.B. No. 3560:

By: Paxton

C.S.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;
21 DEFINITION. (a) The Texas Building and Procurement Commission is
22 renamed the 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 SECTION 1.07. Section 2155.144(k), Government Code, is
3 amended to read as follows:

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

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

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

27 SECTION 1.09. Section 2155.323(b), Government Code, is

1 amended to read as follows:

2 (b) If the comptroller approves the financial information,
3 the comptroller shall:

4 (1) determine whether [~~commission rules require the~~
5 ~~commission to audit~~] the purchase information should also be
6 audited under Section 2155.324; and

7 (2) forward the purchase information to the state
8 auditor for the state auditor's determination on whether the
9 purchase information should also be audited by the state auditor.

10 [~~If a commission audit is required, the comptroller shall promptly~~
11 ~~send the certification and purchase information to the commission~~
12 ~~using the method and format agreed to by the comptroller and the~~
13 ~~commission.~~]

14 SECTION 1.10. Section 2155.324, Government Code, is amended
15 to read as follows:

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

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

26 [~~(c) The commission shall notify the comptroller of the~~
27 ~~results of the commission's audit, using the method and format~~

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

2 SECTION 1.11. Section 2155.325, Government Code, is amended
3 to read as follows:

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

8 (b) For audits under this section, the comptroller, in
9 consultation with the state auditor, ~~[commission]~~ by rule shall:

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

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

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

19 SECTION 1.12. Section 2155.326, Government Code, is amended
20 to read as follows:

21 Sec. 2155.326. AUDIT BY STATE AUDITOR; FORM AND MANNER OF
22 PROVIDING INFORMATION ~~[UPDATE OF COMMISSION FILES AND~~
23 ~~RECORDS]~~. (a) The state auditor may audit purchase information
24 received from the comptroller before or after a warrant is issued.
25 The state auditor may determine the auditing method used under this
26 section.

27 (b) Documentation or other information that is subject to

1 review, audit, or approval by the comptroller and also subject to
2 review or audit by the state auditor shall be provided in the form
3 and manner agreed to by the comptroller and the state auditor [~~To~~
4 ~~enable the commission to update periodically computer records and~~
5 ~~close purchase order files, the comptroller shall, on request,~~
6 ~~furnish the commission with information detailing all vouchers paid~~
7 ~~under this subchapter and Section 2155.132]~~.

8 SECTION 1.13. Section 2155.381, Government Code, is amended
9 to read as follows:

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

14 (b) The invoice shall be prepared and submitted as provided
15 by rules adopted by the comptroller in consultation with the state
16 auditor [~~commission rule~~].

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

19 (a) After the comptroller approves [~~and the commission have~~
20 ~~approved~~] financial information and purchase information, when
21 advance approval of that information is required by rules adopted
22 by the comptroller in consultation with the state auditor
23 [~~commission rule~~], the comptroller shall draw a warrant on the
24 state treasury for:

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

27 SECTION 1.15. Section 2155.503, Government Code, is amended

1 to read as follows:

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

5 (1) establish standard terms for contracts listed on a
6 schedule; and

7 (2) maintain consistency with existing purchasing
8 standards.

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

12 SECTION 1.16. Subchapter A, Chapter 2156, Government Code,
13 is amended by adding Sections 2156.0011 and 2156.0012 to read as
14 follows:

15 Sec. 2156.0011. 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. 2156.0012. AUTHORITY TO ADOPT RULES. The comptroller
21 may adopt rules to efficiently and effectively administer this
22 chapter.

23 SECTION 1.17. Subchapter A, Chapter 2157, Government Code,
24 is amended by adding Sections 2157.0011 and 2157.0012 to read as
25 follows:

26 Sec. 2157.0011. 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. 2157.0012. AUTHORITY TO ADOPT RULES. The comptroller
5 may adopt rules to efficiently and effectively administer this
6 chapter.

7 SECTION 1.18. Subchapter A, Chapter 2158, Government Code,
8 is amended by adding Sections 2158.0011 and 2158.0012 to read as
9 follows:

10 Sec. 2158.0011. 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. 2158.0012. AUTHORITY TO ADOPT RULES. The comptroller
16 may adopt rules to efficiently and effectively administer this
17 chapter.

18 SECTION 1.19. Subchapter A, Chapter 2161, Government Code,
19 is amended by adding Sections 2161.0011 and 2161.0012 to read as
20 follows:

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

24 (b) In this chapter, a reference to the commission means the
25 comptroller.

26 Sec. 2161.0012. AUTHORITY TO ADOPT RULES. The comptroller
27 may adopt rules to efficiently and effectively administer this

1 chapter.

2 SECTION 1.20. Section 2161.125, Government Code, is amended
3 to read as follows:

4 Sec. 2161.125. CATEGORIZATION BY SEX, RACE, AND ETHNICITY.
5 The comptroller [~~commission~~], in cooperation with [~~the comptroller~~
6 ~~and~~] each state agency reporting under this subchapter, shall
7 categorize each historically underutilized business included in a
8 report under this subchapter by sex, race, and ethnicity.

9 SECTION 1.21. Section 2162.051(a), Government Code, is
10 amended to read as follows:

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

- 13 (1) the governor;
- 14 (2) the lieutenant governor;
- 15 (3) the comptroller;
- 16 (4) the speaker of the house of representatives;
- 17 (5) the [~~commission's~~] presiding officer of the Texas
18 Facilities Commission; [~~and~~]
- 19 (6) the commissioner of the Texas Workforce Commission
20 representing labor; and
- 21 (7) the land commissioner.

22 SECTION 1.22. Subchapter B, Chapter 2162, Government Code,
23 is amended by adding Section 2162.053 to read as follows:

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

1 (b) Any administrative powers or duties of the Texas
2 Building and Procurement Commission with respect to the council are
3 transferred to the comptroller.

4 SECTION 1.23. Section 2162.102(c), Government Code, is
5 amended to read as follows:

6 (c) In performing its duties under this chapter, the council
7 may:

8 (1) require a state agency to conduct a hearing,
9 study, review, or cost estimate, including an agency in-house cost
10 estimate or a management study, concerning any aspect of a service
11 identified under Subsection (a);

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

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

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

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

27 (6) determine the terms of a contract for service or

1 interagency contract to provide a service identified under
2 Subsection (a).

3 SECTION 1.24. Chapter 2163, Government Code, is amended by
4 adding Sections 2163.0011 and 2163.0012 to read as follows:

5 Sec. 2163.0011. 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. 2163.0012. AUTHORITY TO ADOPT RULES. The comptroller
11 may adopt rules to efficiently and effectively administer this
12 chapter.

13 SECTION 1.25. Subchapter A, Chapter 2165, Government Code,
14 is amended by adding Sections 2165.0011 and 2165.0012 to read as
15 follows:

16 Sec. 2165.0011. DEFINITION. In this chapter, "commission"
17 means the Texas Facilities Commission.

18 Sec. 2165.0012. AUTHORITY TO ADOPT RULES. The commission
19 may adopt rules to efficiently and effectively administer this
20 chapter.

21 SECTION 1.26. Section 2166.001, Government Code, is amended
22 by amending Subdivision (1) and adding Subdivision (1-a) to read as
23 follows:

24 (1) "Commission" means the Texas Facilities
25 Commission.

26 (1-a) "Construction" includes acquisition and
27 reconstruction.

1 SECTION 1.27. Subchapter A, Chapter 2167, Government Code,
2 is amended by adding Section 2167.0011 to read as follows:

3 Sec. 2167.0011. DEFINITION. In this chapter, "commission"
4 means the Texas Facilities Commission.

5 SECTION 1.28. Subchapter A, Chapter 2170, Government Code,
6 is amended by adding Sections 2170.0011 and 2170.0012 to read as
7 follows:

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

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

13 Sec. 2170.0012. AUTHORITY TO ADOPT RULES. The comptroller
14 may adopt rules to efficiently and effectively administer this
15 chapter.

16 SECTION 1.29. Subchapter A, Chapter 2171, Government Code,
17 is amended by adding Section 2171.0011 to read as follows:

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

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

23 SECTION 1.30. Section 2171.056(e), Government Code, is
24 amended to read as follows:

25 (e) The comptroller [~~commission~~] shall adopt rules related
26 to exemptions from the prohibition prescribed by Subsection (b).

27 [~~To facilitate the audit of the travel vouchers, the commission~~

1 ~~shall consult with the comptroller before the commission adopts~~
2 ~~rules or procedures under Subsection (b).]~~

3 SECTION 1.31. Chapter 2172, Government Code, is amended by
4 adding Sections 2172.0011 and 2172.0012 to read as follows:

5 Sec. 2172.0011. 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. 2172.0012. AUTHORITY TO ADOPT RULES. The comptroller
11 may adopt rules to efficiently and effectively administer this
12 chapter.

13 SECTION 1.32. Subchapter A, Chapter 2175, Government Code,
14 is amended by adding Sections 2175.0011 and 2175.0012 to read as
15 follows:

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

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

21 Sec. 2175.0012. AUTHORITY TO ADOPT RULES. The comptroller
22 may adopt rules to efficiently and effectively administer this
23 chapter.

24 SECTION 1.33. Section 2175.122, Government Code, is amended
25 to read as follows:

26 Sec. 2175.122. STATE AGENCY NOTICE TO [~~COMMISSION AND~~]
27 COMPTROLLER. A state agency that determines it has surplus or

1 salvage property shall inform the [~~commission and the~~] comptroller
2 of the property's kind, number, location, condition, original cost
3 or value, and date of acquisition.

4 SECTION 1.34. Section 2175.123(b), Government Code, is
5 amended to read as follows:

6 (b) The state agency shall inform the [~~commission and the~~]
7 comptroller of its determination.

8 SECTION 1.35. Section 2175.1825, Government Code, is
9 amended to read as follows:

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

15 SECTION 1.36. Section 2175.190(a), Government Code, is
16 amended to read as follows:

17 (a) On the sale by the comptroller [~~commission~~] of surplus
18 or salvage property, the comptroller [~~commission~~] shall report the
19 property sold and the sale price to the state agency that owned the
20 property [~~and to the comptroller~~].

21 SECTION 1.37. Subchapter A, Chapter 2176, Government Code,
22 is amended by adding Section 2176.0011 to read as follows:

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

26 (b) In this chapter, a reference to the commission means the
27 comptroller.

1 SECTION 1.38. Section 2176.053, Government Code, is amended
2 to read as follows:

3 Sec. 2176.053. DELIVERY OF STATE WARRANTS. State warrants
4 may be delivered in a manner agreed to by the comptroller [~~the~~
5 ~~commission,~~] and the affected agency.

6 SECTION 1.39. Subchapter A, Chapter 2177, Government Code,
7 is amended by adding Sections 2177.0011 and 2177.0012 to read as
8 follows:

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

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

14 Sec. 2177.0012. AUTHORITY TO ADOPT RULES. The comptroller
15 may adopt rules to efficiently and effectively administer this
16 chapter.

17 SECTION 1.40. Section 22.008(d), Government Code, is
18 amended to read as follows:

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

1 SECTION 1.41. Section 325.017(e), Government Code, is
2 amended to read as follows:

3 (e) Unless the governor designates an appropriate state
4 agency as prescribed by Subsection (f), property and records in the
5 custody of an abolished state agency or advisory committee on
6 September 1 of the even-numbered year after abolishment shall be
7 transferred to the comptroller [~~State Purchasing and General~~
8 ~~Services Commission~~]. If the governor designates an appropriate
9 state agency, the property and records shall be transferred to the
10 designated state agency.

11 SECTION 1.42. Section 403.251, Government Code, is amended
12 to read as follows:

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

22 SECTION 1.43. Section 441.106, Government Code, is amended
23 to read as follows:

24 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.
25 If a state agency's printing is done by contract, an account for the
26 printing may not be approved and a warrant may not be issued unless
27 the agency first furnishes to the comptroller [~~Texas Building and~~

1 ~~Procurement Commission]~~ a receipt from the state librarian for the
2 publication or a written waiver from the state librarian exempting
3 the publication from this subchapter.

4 SECTION 1.44. Sections 441.194(a) and (b), Government Code,
5 are amended to read as follows:

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

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

17 SECTION 1.45. Section 444.021(a), Government Code, is
18 amended to read as follows:

19 (a) The commission shall:

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

23 (2) make visits and vacations to the state more
24 appealing to the world;

25 (3) attract, through appropriate programs of
26 publicity and education, additional outstanding artists to become
27 state residents;

1 (4) direct activities such as the sponsorship of
2 lectures and exhibitions and the central compilation and
3 dissemination of information on the progress of the arts in the
4 state;

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

11 (6) provide advice relating to the creation,
12 acquisition, construction, erection, or remodeling by the state of
13 a work of art; and

14 (7) provide advice, on request of the governor,
15 relating to the artistic character of buildings constructed,
16 erected, or remodeled by the state.

17 SECTION 1.46. Section 465.0082, Government Code, is amended
18 to read as follows:

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

26 SECTION 1.47. Section 465.018(b), Government Code, is
27 amended to read as follows:

1 (b) This section does not prohibit the commission from using
2 the comptroller's purchasing [~~General Services Commission's~~
3 services.

4 SECTION 1.48. Section 466.104, Government Code, is amended
5 to read as follows:

6 Sec. 466.104. ASSISTANCE OF COMPTROLLER [~~GENERAL SERVICES~~
7 ~~COMMISSION~~]. (a) On request of the executive director, the
8 comptroller [~~General Services Commission~~] shall assist the
9 executive director in:

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

12 (2) establishing procedures for the executive
13 director's accelerated acquisition of facilities, supplies,
14 materials, equipment, and services for the operation of the
15 lottery.

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

19 SECTION 1.49. Section 481.027(f), Government Code, is
20 amended to read as follows:

21 (f) The comptroller [~~General Services Commission~~] may, at
22 the request of a state agency, provide to the agency services
23 exempted from the application of Subtitle D, Title 10 under
24 Subsection (e). Chapter 771 does not apply to services provided
25 under this subsection. The comptroller [~~commission~~] shall
26 establish a system of charges and billings that ensures recovery of
27 the cost of providing the services and shall submit a purchase

1 voucher or a journal voucher, after the close of each month, to the
2 agency for which services were performed.

3 SECTION 1.50. Section 496.0515(b), Government Code, is
4 amended to read as follows:

5 (b) The department shall promulgate procedures for the
6 purpose of purchasing under Subsection (a). The department shall
7 file copies of the procedures promulgated under this subsection
8 with the comptroller [~~General Services Commission~~].

9 SECTION 1.51. Section 497.024(b), Government Code, is
10 amended to read as follows:

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

18 SECTION 1.52. Sections 497.025(a) and (c), Government Code,
19 are amended to read as follows:

20 (a) An agency of the state that purchases articles and
21 products under this subchapter must requisition the purchase
22 through the comptroller [~~General Services Commission~~] except for
23 purchases of articles or products not included in an established
24 contract. The purchase of articles or products not included in an
25 established contract and that do not exceed the dollar limits
26 established under Section 2155.132 may be acquired directly from
27 the office on the agency's obtaining an informal or a formal

1 quotation for the item and issuing a proper purchase order to the
2 office. The comptroller [~~General Services Commission~~] and the
3 department shall enter into an agreement to expedite the process by
4 which agencies are required to requisition purchases of articles or
5 products through the comptroller [~~commission~~].

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

19 SECTION 1.53. Section 497.026, Government Code, is amended
20 to read as follows:

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

24 SECTION 1.54. Section 497.027, Government Code, is amended
25 to read as follows:

26 Sec. 497.027. SPECIFICATIONS. (a) The comptroller
27 [~~General Services Commission~~] shall establish specifications for

1 articles and products produced under this subchapter. An article
2 or product produced under this subchapter must meet specifications
3 established under this subsection in effect when the article or
4 product is produced.

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

10 SECTION 1.55. Section 497.029, Government Code, is amended
11 to read as follows:

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

15 SECTION 1.56. Section 497.030, Government Code, is amended
16 to read as follows:

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

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

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

5 SECTION 1.57. Section 531.0312(b), Government Code, is
6 amended to read as follows:

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

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

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

22 SECTION 1.58. Section 663.001(3), Government Code, is
23 amended to read as follows:

24 (3) "Commission" means the Texas Facilities [~~General~~
25 ~~Services~~] Commission.

26 SECTION 1.59. Sections 791.025(a) and (b), Government Code,
27 are amended to read as follows:

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

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

14 SECTION 1.60. Section 825.103(d), Government Code, is
15 amended to read as follows:

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

1 ~~and Procurement Commission]~~ shall procure goods or services for the
2 retirement system at the request of the retirement system, and the
3 retirement system may use the services of the comptroller [~~that~~
4 ~~commission]~~ in procuring goods or services.

5 SECTION 1.61. Section 2051.052, Government Code, is amended
6 to read as follows:

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

13 SECTION 1.62. Section 2054.057(a), Government Code, is
14 amended to read as follows:

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

20 SECTION 1.63. Section 2101.038, Government Code, is amended
21 to read as follows:

22 Sec. 2101.038. DUTIES OF STATE AUDITOR. The state auditor,
23 when reviewing the operation of a state agency, shall audit for
24 compliance with the uniform statewide accounting system, the
25 comptroller's rules, and the Legislative Budget Board's performance
26 and workload measures. The state auditor shall also audit state
27 agencies that make purchases that are exempted from the purchasing

1 authority of the comptroller [~~General Services Commission~~] or that
2 make purchases under delegated purchasing authority for compliance
3 with applicable provisions of Subtitle D, except that this section
4 does not require the state auditor to audit purchases made under
5 Section 51.9335, Education Code, or made under Section 73.115,
6 Education Code. The state auditor shall notify the comptroller,
7 the governor, the lieutenant governor, the speaker of the house of
8 representatives, and the Legislative Budget Board as soon as
9 practicable when a state agency is not in compliance.

10 SECTION 1.64. Section 2103.032(a), Government Code, is
11 amended to read as follows:

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

20 SECTION 1.65. Sections 2113.103(a), (c), and (d),
21 Government Code, are amended to read as follows:

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

1 shall assist state agencies in determining the types and
2 comparability of postal services available from the United States
3 Postal Service.

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

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

18 (1) to an authorized petty cash account;

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

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

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

26 SECTION 1.66. Section 2113.301(h), Government Code, is
27 amended to read as follows:

1 (h) The comptroller [~~Texas Building and Procurement~~
2 ~~Commission~~] shall appoint a task force to develop design
3 recommendations that are to be used for state facilities and that
4 encourage rain harvesting and water recycling by state agencies
5 using appropriated money to finance a capital expenditure for a
6 state facility purpose.

7 SECTION 1.67. Section 2203.005(b), Government Code, is
8 amended to read as follows:

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

13 SECTION 1.68. Sections 2205.004(a) and (c), Government
14 Code, are amended to read as follows:

15 (a) The board is composed of:

16 (1) a member appointed by the governor;

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

18 (3) a member appointed by the speaker of the house of
19 representatives; and

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

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

26 SECTION 1.69. Section 2205.012(a), Government Code, is
27 amended to read as follows:

1 (a) The board may employ and compensate staff as provided by
2 legislative appropriation or may use staff provided by the
3 comptroller [~~General Services Commission~~] or the state auditor's
4 office.

5 SECTION 1.70. Section 2251.003, Government Code, is amended
6 to read as follows:

7 Sec. 2251.003. RULES. In consultation with the state
8 auditor, the comptroller [~~The General Services Commission~~] shall
9 establish procedures and adopt rules to administer this chapter[
10 ~~except that the commission may not establish a procedure or adopt a~~
11 ~~rule that conflicts with a procedure established or a rule adopted~~
12 ~~by the comptroller under Section 2251.026(i)]].~~

13 SECTION 1.71. Section 2252.003(a), Government Code, is
14 amended to read as follows:

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

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

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

24 SECTION 1.72. Section 2254.040, Government Code, is amended
25 to read as follows:

26 Sec. 2254.040. PROCUREMENT BY COMPTROLLER [~~GENERAL~~
27 ~~SERVICES COMMISSION~~]. (a) The comptroller [~~General Services~~

1 ~~Commission~~] may, on request of a state agency, procure for the
2 agency consulting services that are covered by this subchapter.

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

5 SECTION 1.73. Sections 2261.001(a) and (c), Government
6 Code, are amended to read as follows:

7 (a) This chapter applies only to each procurement of goods
8 or services made by a state agency that is neither made by the
9 comptroller [~~General Services Commission~~] nor made under
10 purchasing authority delegated to the agency by or under Section
11 51.9335 or 73.115, Education Code, or Section 2155.131 or [~~7~~]
12 2155.132 [~~7 or 2155.133~~].

13 (c) The comptroller [~~General Services Commission~~] on
14 request shall determine whether a procurement or type of
15 procurement:

16 (1) is made under purchasing authority delegated to an
17 agency by or under Section 2155.131 or [~~7~~] 2155.132 [~~7 or 2155.133~~];
18 or

19 (2) is made under some other source of purchasing
20 authority.

21 SECTION 1.74. Subchapter A, Chapter 2262, Government Code,
22 is amended by adding Section 2262.0011 to read as follows:

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

26 (b) In this chapter, a reference to the commission means the
27 comptroller.

1 SECTION 1.75. Section 2302.002, Government Code, is amended
2 to read as follows:

3 Sec. 2302.002. COMPOSITION OF COUNCIL. The council is
4 composed of:

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

8 (A) the commission;

9 (B) the Railroad Commission of Texas; and

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

11 [~~(D)~~] the Texas Natural Resource Conservation
12 Commission;

13 (2) one representative of the office of the attorney
14 general, appointed by the attorney general;

15 (3) one representative of the comptroller, appointed
16 by the comptroller; and

17 (4) [~~(3)~~] one representative of higher education,
18 appointed by the governor.

19 SECTION 1.76. Section 12.029(c), Agriculture Code, is
20 amended to read as follows:

21 (c) The department shall file the policies established
22 under this section with the comptroller [~~State Purchasing and~~
23 ~~General Services Commission]~~ and with the Texas Department of
24 Commerce or its successor in function. The comptroller
25 [~~commission~~] shall conduct an analysis of the department's policies
26 and the policies' effectiveness and shall report the analysis to
27 the governor, lieutenant governor, and speaker of the house of

1 representatives not later than December 31 of each even-numbered
2 year.

3 SECTION 1.77. Section 13.112, Agriculture Code, is amended
4 to read as follows:

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

13 SECTION 1.78. Section 49.004(d), Agriculture Code, is
14 amended to read as follows:

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

19 SECTION 1.79. Section 201.105(c), Agriculture Code, is
20 amended to read as follows:

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

25 SECTION 1.80. Section 34.001, Education Code, is amended to
26 read as follows:

27 Sec. 34.001. PURCHASE OF MOTOR VEHICLES. (a) A school

1 district may purchase school motor vehicles through the comptroller
2 [~~General Services Commission~~] or through competitive bidding under
3 Subchapter B, Chapter 44.

4 (b) The comptroller [~~General Services Commission~~] may adopt
5 rules as necessary to implement Subsection (a).

6 SECTION 1.81. Section 34.006, Education Code, is amended to
7 read as follows:

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

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

13 SECTION 1.82. Section 106.54, Education Code, is amended to
14 read as follows:

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

1 shall furnish a copy to each member of the House Appropriations
2 Committee, the Senate Finance Committee, and the House and Senate
3 committees on education of each regular session of the legislature
4 within one week after the committees are appointed.

5 SECTION 1.83. Section 107.66, Education Code, is amended to
6 read as follows:

7 Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC.

8 The board may make requisition to the comptroller [~~General Services~~
9 ~~Commission~~] for furniture, furnishings, equipment, and
10 appointments required for the proper use and enjoyment of
11 improvements erected by the board, and the comptroller [~~General~~
12 ~~Services Commission~~] may purchase and pay for the furnishings,
13 equipment, and appointments.

14 SECTION 1.84. Section 141.003(c), Education Code, is
15 amended to read as follows:

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

20 SECTION 1.85. Section 142.004(e), Education Code, is
21 amended to read as follows:

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

26 SECTION 1.86. Section 143.005(f), Education Code, is
27 amended to read as follows:

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

5 SECTION 1.87. Section 152.004(e), Education Code, is
6 amended to read as follows:

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

11 SECTION 1.88. Section 361.423, Health and Safety Code, is
12 amended to read as follows:

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

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

23 (1) identify existing economic and regulatory
24 incentives and disincentives for creating an optimal market
25 development strategy;

26 (2) analyze or take into consideration the market
27 development implications of:

1 (A) the state's waste management policies and
2 regulations;

3 (B) existing and potential markets for plastic,
4 glass, paper, lead-acid batteries, tires, compost, scrap gypsum,
5 coal combustion by-products, and other recyclable materials; and

6 (C) the state's tax structure and overall
7 economic base;

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

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

12 (B) tax incentives and disincentives;

13 (C) the availability of financial capital
14 including grants, loans, and venture capital;

15 (D) enterprise zones;

16 (E) managerial and technical assistance;

17 (F) job-training programs;

18 (G) strategies for matching market supply and
19 market demand for recyclable materials, including intrastate and
20 interstate coordination;

21 (H) the state recycling goal;

22 (I) public-private partnerships;

23 (J) research and development;

24 (K) government procurement policies;

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

27 (M) public health and safety regulatory

1 policies;

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

4 (5) provide information and technical assistance to
5 small and disadvantaged businesses, business development centers,
6 chambers of commerce, educational institutions, and nonprofit
7 associations on market opportunities in the area of recycling; and

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

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

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

21 SECTION 1.89. Section 361.425(a), Health and Safety Code,
22 is amended to read as follows:

23 (a) A state agency, state court or judicial agency, a
24 university system or institution of higher education, a county,
25 municipality, school district, or special district shall:

26 (1) in cooperation with the comptroller [~~General~~
27 ~~Services Commission~~] or the commission establish a program for the

1 separation and collection of all recyclable materials generated by
2 the entity's operations, including, at a minimum, aluminum, steel
3 containers, aseptic packaging and polycoated paperboard cartons,
4 high-grade office paper, and corrugated cardboard;

5 (2) provide procedures for collecting and storing
6 recyclable materials, containers for recyclable materials, and
7 procedures for making contractual or other arrangements with buyers
8 of recyclable materials;

9 (3) evaluate the amount of recyclable material
10 recycled and modify the recycling program as necessary to ensure
11 that all recyclable materials are effectively and practicably
12 recycled; and

13 (4) establish educational and incentive programs to
14 encourage maximum employee participation.

15 SECTION 1.90. Section 361.427(a), Health and Safety Code,
16 is amended to read as follows:

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

22 SECTION 1.91. Section 841.083(c-2), Health and Safety
23 Code, is amended to read as follows:

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

1 acquire that equipment through that contract.

2 SECTION 1.92. Section 32.044(d), Human Resources Code, is
3 amended to read as follows:

4 (d) The department with the assistance of the Health and
5 Human Services Commission and the comptroller [~~General Services~~
6 ~~Commission~~] shall adopt rules under this section that allow the
7 public or private hospital to make purchases through group
8 purchasing programs except when the department has reason to
9 believe that a better value is available through another
10 procurement method.

11 SECTION 1.93. Section 111.0553(a), Human Resources Code, is
12 amended to read as follows:

13 (a) The commission shall develop and, following review and
14 approval by the board, implement agency-wide procurement
15 procedures to:

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

18 (2) document that a best-value review of vendors has
19 occurred;

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

21 (4) negotiate price discounts with high-volume
22 vendors;

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

26 (6) provide effective public notification to
27 potential vendors of planned commission purchases.

1 SECTION 1.94. Chapter 122, Human Resources Code, is amended
2 by adding Section 122.0011 to read as follows:

3 Sec. 122.0011. TRANSFER OF DUTIES; REFERENCE. (a) The
4 powers and duties of the commission under this chapter are
5 transferred to the comptroller.

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

8 SECTION 1.95. Article 21A.0135(a), Insurance Code, is
9 amended to read as follows:

10 (a) The receiver shall use a competitive bidding process in
11 the selection of any special deputies appointed under Section
12 21A.102 or 21A.154. The process must include procedures to promote
13 the participation of historically underutilized businesses that
14 have been certified by the comptroller [~~Texas Building and~~
15 ~~Procurement Commission~~] under Section 2161.061, Government Code.

16 SECTION 1.96. Sections 201.007(b), (c), (f), and (g), Local
17 Government Code, are amended to read as follows:

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

27 (c) After the settlement of the outstanding indebtedness of

1 an abolished special-purpose district or authority, other than a
2 school district, and the satisfaction of the other applicable
3 requirements of state law establishing or permitting the
4 establishment of the district or authority or governing its
5 abolition, the district's governing body at the time the district
6 is abolished shall transfer the records of the district to the
7 custody of the comptroller [~~General Services Commission~~]. A record
8 of an abolished special-purpose district or authority may not be
9 sold to satisfy an outstanding indebtedness.

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

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

21 SECTION 1.97. Section 252.0215, Local Government Code, is
22 amended to read as follows:

23 Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO
24 HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an
25 expenditure of more than \$3,000 but less than \$25,000, shall
26 contact at least two historically underutilized businesses on a
27 rotating basis, based on information provided by the comptroller

1 ~~[General Services Commission]~~ pursuant to Chapter 2161, Government
2 Code. If the list fails to identify a historically underutilized
3 business in the county in which the municipality is situated, the
4 municipality is exempt from this section.

5 SECTION 1.98. The heading to Section 262.002, Local
6 Government Code, is amended to read as follows:

7 Sec. 262.002. AUTHORITY TO PURCHASE ROAD EQUIPMENT AND
8 TIRES THROUGH COMPTROLLER ~~[STATE PURCHASING AND GENERAL SERVICES~~
9 ~~COMMISSION]~~.

10 SECTION 1.99. Section 262.002(a), Local Government Code, is
11 amended to read as follows:

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

16 SECTION 1.100. Section 271.082, Local Government Code, is
17 amended to read as follows:

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

22 (1) the extension of state contract prices to
23 participating local governments when the comptroller ~~[commission]~~
24 considers it feasible;

25 (2) solicitation of bids on items desired by local
26 governments if the solicitation is considered feasible by the
27 comptroller ~~[commission]~~ and is desired by the local government;

1 and

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

4 (b) The comptroller [~~commission~~] may charge a participating
5 local government an amount not to exceed the actual costs incurred
6 by the comptroller [~~commission~~] in providing purchasing services to
7 the local government under the program.

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

10 SECTION 1.101. Section 113.283(a), Natural Resources Code,
11 is amended to read as follows:

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

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

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

15 (3) the comptroller [~~chairman of the General Services~~
16 ~~Commission~~]; and

17 (4) the chairman of the Texas Natural Resource
18 Conservation Commission.

19 SECTION 1.102. Section 161.020, Natural Resources Code, is
20 amended to read as follows:

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

27 SECTION 1.103. Section 12.008(c), Parks and Wildlife Code,

1 is amended to read as follows:

2 (c) The comptroller [~~State Purchasing and General Services~~
3 ~~Commission~~] shall execute any sale of products under this section
4 under the general law governing the sale of state property;
5 however, the department shall determine the quantity of products to
6 be offered for sale and the consideration in lieu of money to be
7 received under the sale. The department may lease grazing or
8 farming rights under this section. In leasing the rights, the
9 department must follow a competitive bidding procedure.

10 SECTION 1.104. Section 81.404(b), Parks and Wildlife Code,
11 is amended to read as follows:

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

20 SECTION 1.105. Section 111.0035(f), Tax Code, is amended to
21 read as follows:

22 (f) Except as provided by Subsection (g), the comptroller
23 shall award a contract made under this section through a
24 competitive bidding process that complies with Section 2155.132,
25 Government Code[, ~~and the rules adopted by the General Services~~
26 ~~Commission relating to delegated purchases~~]. If the comptroller
27 receives not more than three bids through the competitive bidding

1 process, the comptroller shall report the number of bidders to the
2 Legislative Budget Board before awarding the contract.

3 SECTION 1.106. Section 111.0036(f), Tax Code, is amended to
4 read as follows:

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

13 SECTION 1.107. Section 201.706, Transportation Code, is
14 amended to read as follows:

15 Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From
16 appropriated funds, the department shall assist counties with
17 materials to repair and maintain county roads. The department
18 shall:

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

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

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

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

26 (3) develop rules and procedures to implement this
27 section and to provide for the distribution of the assistance with

1 preference given to counties with an above average number of
2 overweight trucks receiving weight tolerance permits based on the
3 previous year's permit totals; and

4 (4) undertake cooperative and joint procurement of
5 road materials with counties under [~~General Services Commission~~]
6 procedures of the comptroller.

7 SECTION 1.108. Section 202.082(b), Transportation Code, is
8 amended to read as follows:

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

11 (1) Chapter 2175, Government Code; or

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

14 SECTION 1.109. Section 223.041(b), Transportation Code, is
15 amended to read as follows:

16 (b) The department, in setting a minimum level of
17 expenditures in these engineering-related activities that will be
18 paid to the private sector providers, shall provide that the
19 expenditure level for a state fiscal year in all strategies paid to
20 private sector providers for all department engineering-related
21 services for transportation projects is not less than 35 percent of
22 the total funds appropriated in Strategy A.1.1. Plan/Design/Manage
23 and Strategy A.1.2. of the General Appropriations Act for that
24 state fiscal biennium. The department shall attempt to make
25 expenditures for engineering-related services with private sector
26 providers under this subsection with historically underutilized
27 businesses, as defined by Section 2161.001, Government Code, in an

1 amount consistent with the applicable provisions of the Government
2 Code, any applicable state disparity study, and in accordance with
3 the good-faith-effort procedures outlined in the rules adopted by
4 the comptroller [~~Texas Building and Procurement Commission~~].

5 SECTION 1.110. Section 502.052(c), Transportation Code, is
6 amended to read as follows:

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

12 SECTION 1.111. Section 502.053(b), Transportation Code, is
13 amended to read as follows:

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

19 (1) the cost of metal, paint, and other materials
20 purchased;

21 (2) the inmate maintenance cost per day;

22 (3) overhead expenses;

23 (4) miscellaneous charges; and

24 (5) a previously approved amount of profit for the
25 work.

26 SECTION 1.112. Section 14.058, Utilities Code, is amended
27 to read as follows:

1 Sec. 14.058. FEES FOR ELECTRONIC ACCESS TO INFORMATION.

2 The fees charged by the commission for electronic access to
3 information that is stored in the system established by the
4 commission using funds from the Texas Public Finance Authority and
5 approved by the Department of Information Resources shall be
6 established:

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

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

12 SECTION 1.113. Section 222.004(v), Water Code, is amended
13 to read as follows:

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

19 SECTION 1.114. The following provisions of the Government
20 Code are repealed:

- 21 (1) Section 403.241(1);
- 22 (2) Section 2103.063;
- 23 (3) Section 2152.003;
- 24 (4) Section 2152.104(c);
- 25 (5) Sections 2155.323(c) and (d);
- 26 (6) Section 2161.002(b); and
- 27 (7) Section 2175.182(c).

1 SECTION 1.115. Section 12.014(b), Agriculture Code, is
2 repealed.

3 SECTION 1.116. On the effective date of this Act, the Texas
4 Building and Procurement Commission is renamed the Texas Facilities
5 Commission.

6 SECTION 1.117. (a) The Texas Facilities Commission retains
7 the powers and duties of the former Texas Building and Procurement
8 Commission that relate to charge and control of state buildings,
9 grounds, or property, to maintenance or repair of state buildings,
10 grounds, or property, to child care services for state employees
11 under Chapter 663, Government Code, to construction of a state
12 building, or to the purchase or lease of buildings, grounds, or
13 property by or for the state.

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

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

22 (b-1) All other employees of the Texas Building and
23 Procurement Commission are transferred to the office of the
24 comptroller. A management employee of the Texas Building and
25 Procurement Commission who is transferred to the office of the
26 comptroller under this subsection does not automatically continue
27 to hold the person's management position. To hold the management

1 position on other than an interim basis the person must apply for
2 the position with the comptroller.

3 (c) A rule, form, policy, procedure, or decision of the
4 Texas Building and Procurement Commission that is related to an
5 activity described by Subsection (a) of this section continues in
6 effect as a rule, form, policy, procedure, or decision of the Texas
7 Facilities Commission.

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

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

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

27 (e) All money, contracts, leases, rights, bonds, and

1 obligations of the Texas Building and Procurement Commission
2 related to an activity described by Subsection (a) of this section
3 remain with the Texas Facilities Commission.

4 (e-1) All money, contracts, leases, rights, bonds, and
5 obligations of the Texas Building and Procurement Commission
6 related to an activity transferred by this Act to the comptroller
7 are transferred to the comptroller.

8 (f) All personal property, including records, in the
9 custody of the Texas Building and Procurement Commission related to
10 an activity described by Subsection (a) of this section remains the
11 property of the Texas Facilities Commission.

12 (f-1) All personal property, including records, in the
13 custody of the Texas Building and Procurement Commission related to
14 an activity transferred by this Act to the comptroller becomes the
15 property of the comptroller.

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

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

26 SECTION 1.118. In accordance with Section 1.117 of this
27 article, the comptroller and the Texas Facilities Commission shall

1 adopt a memorandum of understanding that identifies and allocates
2 between the office of the comptroller and the Texas Facilities
3 Commission the powers, duties, property, employees,
4 appropriations, and other items transferred under Section 1.117.
5 The memorandum of understanding must also:

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

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

14 ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

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

17 (c) This section does not apply to the Department of
18 Information Resources [~~General Services Commission~~], in its
19 capacity as the telecommunications provider for the state, and an
20 institution of higher education, as that term is defined by Section
21 61.003, Education Code, that provides interactive computer
22 service.

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

25 (i) A school district may acquire computers and
26 computer-related equipment, including computer software, through
27 the Department of Information Resources [~~General Services~~

1 ~~Commission~~] under contracts entered into in accordance with Chapter
2 2054 or 2157, Government Code. Before issuing an invitation for
3 bids, the department [~~commission~~] shall consult with the agency
4 concerning the computer and computer-related equipment needs of
5 school districts. To the extent possible the resulting contract
6 shall provide for such needs.

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

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

19 SECTION 2.04. Section 2054.201, Government Code, is amended
20 to read as follows:

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

23 (1) a representative of the comptroller's office,
24 appointed by the comptroller;

25 (2) the executive director of the Telecommunications
26 Infrastructure Fund Board;

27 (3) a representative of the department [~~Texas Building~~

1 ~~and Procurement Commission~~], appointed by the executive director of
2 the department [~~commission~~];

3 (4) a member representing the interests of state
4 agencies with 1,000 employees or more, appointed by the lieutenant
5 governor;

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

9 (6) a member representing the interests of
10 institutions of higher education, appointed by the commissioner of
11 higher education;

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

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

16 (9) a member representing the interests of public
17 school districts that are customers of the consolidated
18 telecommunications system, appointed by the governor;

19 (10) a member representing the interests of local
20 governments that are customers of the consolidated
21 telecommunications system, appointed by the governor;

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

24 (12) a representative of the Health and Human Services
25 Commission, appointed by the commissioner of health and human
26 services.

27 (b) Appointed members of the telecommunications planning

1 and oversight council serve staggered two-year terms, with the
2 terms of four or five members expiring August 31 each year, except
3 that:

4 (1) the representative of the comptroller's office
5 serves at the discretion of the comptroller;

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

9 (3) the representative of the Health and Human
10 Services Commission serves at the discretion of the commissioner of
11 health and human services.

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

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

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

20 (2) first issues a vendor solicitation for the
21 project.

22 (c) Unless the project plan has been filed under this
23 section:

24 (1) [~~the Texas Building and Procurement Commission may~~
25 ~~not issue~~] a vendor solicitation may not be issued for the project;
26 and

27 (2) the agency may not post a vendor solicitation for

1 the project in the state business daily under Section 2155.083.

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

4 (b) The following individuals serve as nonvoting ex officio
5 members:

6 (1) the executive director of the Public Utility
7 Commission of Texas, or an individual designated by the executive
8 director;

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

12 (3) the commissioner of public health, or an
13 individual who has responsibility for the poison control network
14 designated by the commissioner.

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

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

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

25 (f) The Department of Information Resources [~~General~~
26 ~~Services Commission~~] shall cooperate with the commission and with
27 publishers to ensure that the subject matter listing of programs

1 and telephone numbers in the telephone directories are consistent
2 with the categorization developed by the Records Management
3 Interagency Coordinating Council under Section 441.203(j),
4 Government Code.

5 ARTICLE 3. CONFORMING AMENDMENTS; MISCELLANEOUS

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

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

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

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

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

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

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

26 [~~(4) authorize the General Services Commission to~~
27 ~~contract with one or more credit or charge card issuers on behalf of~~

1 ~~state agencies]~~.

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

4 (a) The Records Management Interagency Coordinating Council
5 is composed of:

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

8 (A) the secretary of state;

9 (B) the state auditor, who serves as a nonvoting
10 member;

11 (C) the comptroller of public accounts;

12 (D) the attorney general;

13 (E) the director and librarian; and

14 (F) ~~[the executive director of the Texas Building
15 and Procurement Commission; and~~

16 [~~(G)~~] the executive director of the Department of
17 Information Resources; and

18 (2) auxiliary voting members, consisting of:

19 (A) one faculty member of a public senior college
20 or university, as defined by Section 61.003, Education Code, who
21 has demonstrated knowledge of records and information management;
22 and

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

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

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

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

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

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

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

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

20 (A) the comptroller's office;

21 (B) the Department of Public Safety;

22 (C) the Department of Information Resources; and

23 (D) the Texas State Library and Archives
24 Commission;

25 (2) five public members, appointed by the attorney
26 general; and

27 (3) a representative of each of the following types of

1 local governments, appointed by the attorney general:

- 2 (A) a municipality;
- 3 (B) a county; and
- 4 (C) a school district.

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

7 (a) The commission shall administer and enforce:

- 8 (1) Chapters 302, 303, 305, 572, and 2004;
- 9 (2) Subchapter C, Chapter 159, Local Government Code,
10 in connection with a county judicial officer, as defined by Section
11 159.051, Local Government Code, who elects to file a financial
12 statement with the commission; ~~and~~
- 13 (3) Title 15, Election Code; and
- 14 (4) Sections 2152.064 and 2155.003.

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

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

- 22 (1) Chapter 302;
- 23 (2) Chapter 303;
- 24 (3) Chapter 305;
- 25 (4) Chapter 2004;
- 26 (5) Chapter 572;
- 27 (6) Subchapter C, Chapter 159, Local Government Code,

1 as provided by Section 571.061(a)(2);

2 (7) Title 15, Election Code;

3 (8) Chapter 36, Penal Code; [~~or~~]

4 (9) Chapter 39, Penal Code;

5 (10) Section 2152.064; or

6 (11) Section 2155.003.

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

9 (c) The term means a member of:

10 (1) the Public Utility Commission of Texas;

11 (2) the Texas Department of Economic Development;

12 (3) the Texas Commission on Environmental Quality;

13 (4) the Texas Alcoholic Beverage Commission;

14 (5) The Finance Commission of Texas;

15 (6) the Texas Facilities [~~Building and Procurement~~]
16 Commission;

17 (7) the Texas Board of Criminal Justice;

18 (8) the board of trustees of the Employees Retirement
19 System of Texas;

20 (9) the Texas Transportation Commission;

21 (10) the Texas Workers' Compensation Commission;

22 (11) the Texas Department of Insurance;

23 (12) the Parks and Wildlife Commission;

24 (13) the Public Safety Commission;

25 (14) the Texas Ethics Commission;

26 (15) the State Securities Board;

27 (16) the Texas Water Development Board;

1 (17) the governing board of a public senior college or
2 university as defined by Section 61.003, Education Code, or of The
3 University of Texas Southwestern Medical Center at Dallas, The
4 University of Texas Medical Branch at Galveston, The University of
5 Texas Health Science Center at Houston, The University of Texas
6 Health Science Center at San Antonio, The University of Texas
7 System Cancer Center, The University of Texas Health Science Center
8 at Tyler, University of North Texas Health Science Center at Fort
9 Worth, Texas Tech University Health Sciences Center, Texas State
10 Technical College--Harlingen, Texas State Technical
11 College--Marshall, Texas State Technical College--Sweetwater, or
12 Texas State Technical College--Waco;

13 (18) the Texas Higher Education Coordinating Board;

14 (19) the Texas Workforce Commission;

15 (20) the State Banking Board;

16 (21) the board of trustees of the Teacher Retirement
17 System of Texas;

18 (22) the Credit Union Commission;

19 (23) the School Land Board;

20 (24) the board of the Texas Department of Housing and
21 Community Affairs;

22 (25) the Texas Racing Commission;

23 (26) the State Board of Dental Examiners;

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

25 (28) the Board of Pardons and Paroles;

26 (29) the Texas State Board of Pharmacy;

27 (30) the Department of Information Resources

1 governing board;

2 (31) the Motor Vehicle Board;

3 (32) the Texas Real Estate Commission;

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

5 (34) the bond review board;

6 (35) the Texas Board of Health;

7 (36) the Texas Board of Mental Health and Mental
8 Retardation;

9 (37) the Texas Board on Aging;

10 (38) the Texas Board of Human Services;

11 (39) the Texas Funeral Service Commission;

12 (40) the board of directors of a river authority
13 created under the Texas Constitution or a statute of this state; or

14 (41) the Texas Lottery Commission.

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

17 Sec. 2152.064. CONFLICTS OF INTEREST IN CERTAIN
18 TRANSACTIONS. (a) A commission member, employee, or appointee may
19 not:

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

25 (A) charge and control of state buildings,
26 grounds, or property;

27 (B) maintenance or repair of state buildings,

1 grounds, or property;

2 (C) construction of a state building; or

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

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

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

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

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

16 SECTION 3.10. Section 2155.203, Government Code, is amended
17 to read as follows:

18 Sec. 2155.203. PURCHASES BY LEGISLATURE AND LEGISLATIVE
19 AGENCIES. A house of the legislature, or an agency, council, or
20 committee of the legislature, including the Legislative Budget
21 Board, the Texas Legislative Council, the state auditor's office,
22 and the Legislative Reference Library, may use the comptroller's
23 [commission's] purchasing services or the purchasing services of
24 another state agency for purchasing goods and services, including
25 items covered by Section 21, Article XVI, Texas Constitution. Use
26 of the purchasing services of the comptroller or other state agency
27 does not subject a legislative branch entity to a rule or statute or

1 to a provision of a term contract, multiple award contract, or other
2 contract that would otherwise require the entity to:

3 (1) sign an interagency agreement that would require
4 the entity to disclose to a state agency the items purchased or the
5 use of the items purchased; or

6 (2) allow a vendor to disclose the items purchased,
7 the use of the items purchased, or the value of the purchase.

8 SECTION 3.11. Section 2203.001(b), Government Code, is
9 amended to read as follows:

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

12 SECTION 3.12. Section 2254.024(b), Government Code, is
13 amended to read as follows:

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

22 SECTION 3.13. Section 2254.039(b), Government Code, is
23 amended to read as follows:

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

1 ARTICLE 4. STUDY OF TEXAS FACILITIES COMMISSION FUNCTIONS

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

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

10 (1) the acquisition of state buildings through lease
11 or purchase;

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

13 (3) the control and maintenance of buildings owned or
14 leased by the state; and

15 (4) all other related responsibilities performed by
16 the commission.

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

21 (c) Not later than November 1, 2008, the executive director
22 of the commission, the state auditor, and the General Land Office
23 shall submit a written report to the governor, lieutenant governor,
24 and speaker of the house of representatives that contains the
25 findings of the joint study and any recommendations.

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

1 ARTICLE 5. EFFECTIVE DATE
2 SECTION 5.01. This Act takes effect September 1, 2007.