

By: Swinford

H.B. No. 3560

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the primary duties of the Texas Building and Procurement Commission to the comptroller and the General Land Office.

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

ARTICLE 1. ABOLITION OF THE TEXAS BUILDING AND PROCUREMENT COMMISSION

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

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

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

~~(2) "State agency" means:~~

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

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

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

Sec. 2151.003. REFERENCE. A statutory reference to the

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

4 (1) the General Land Office if the statutory reference  
5 concerns:

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

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

10 (C) construction of a state building; or

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

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

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

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

26 (c) The powers and duties of the Texas Building and  
27 Procurement Commission that relate to charge and control of state

1 buildings, grounds, or property, maintenance or repair of state  
2 buildings, grounds, or property, construction of a state building,  
3 or purchase or lease of state buildings, grounds, or property by or  
4 for the state are transferred to the General Land Office.

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

8 SECTION 1.02. Chapter 2152, Government Code, is repealed.

9 SECTION 1.03. (a) The Texas Building and Procurement  
10 Commission is abolished.

11 (b) The validity of an action taken by the Texas Building  
12 and Procurement Commission before it is abolished is not affected  
13 by the abolition.

14 SECTION 1.04. (a) All powers and duties of the Texas  
15 Building and Procurement Commission that relate to charge and  
16 control of state buildings, grounds, or property, to maintenance or  
17 repair of state buildings, grounds, or property, to construction of  
18 a state building, or to the purchase or lease of buildings, grounds,  
19 or property by or for the state are transferred to the General Land  
20 Office.

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

24 (b) All employees of the Texas Building and Procurement  
25 Commission who primarily perform duties related to an activity  
26 described by Subsection (a) of this section, including employees  
27 who provide administrative support for those services, become

1 employees of the General Land Office. A management employee of the  
2 Texas Building and Procurement Commission who primarily performs  
3 duties related to an activity described by Subsection (a) of this  
4 section becomes an employee of the General Land Office but does not  
5 automatically continue to hold the person's management position. To  
6 hold the management position on other than an interim basis the  
7 person must apply for the position with the General Land Office.

8 (b-1) All other employees of the Texas Building and  
9 Procurement Commission are transferred to the office of the  
10 comptroller. A management employee of the Texas Building and  
11 Procurement Commission who is transferred to the office of the  
12 comptroller under this subsection does not automatically continue  
13 to hold the person's management position. To hold the management  
14 position on other than an interim basis the person must apply for  
15 the position with the comptroller.

16 (c) A rule, form, policy, procedure, or decision of the  
17 Texas Building and Procurement Commission that is related to an  
18 activity described by Subsection (a) of this section continues in  
19 effect as a rule, form, policy, procedure, or decision of the  
20 General Land Office until superseded by an act of the land  
21 commissioner or the land commissioner's designee.

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

27 (d) A court case, administrative proceeding, contract

1 negotiation, or other proceeding involving the Texas Building and  
2 Procurement Commission that is related to an activity described by  
3 Subsection (a) of this section is transferred without change in  
4 status to the General Land Office, and the General Land Office  
5 assumes, without a change in status, the position of the Texas  
6 Building and Procurement Commission in a negotiation or proceeding  
7 relating to an activity described by Subsection (a) of this section  
8 to which the Texas Building and Procurement Commission is a party.

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

18 (e) All money, contracts, leases, rights, bonds, and  
19 obligations of the Texas Building and Procurement Commission  
20 related to an activity described by Subsection (a) of this section  
21 are transferred to the General Land Office.

22 (e-1) All money, contracts, leases, rights, bonds, and  
23 obligations of the Texas Building and Procurement Commission  
24 related to an activity transferred by this Act to the comptroller  
25 are transferred to the comptroller.

26 (f) All personal property, including records, in the  
27 custody of the Texas Building and Procurement Commission related to

1 an activity described by Subsection (a) of this section becomes the  
2 property of the General Land Office.

3 (f-1) All personal property, including records, in the  
4 custody of the Texas Building and Procurement Commission related to  
5 an activity transferred by this Act to the comptroller becomes the  
6 property of the comptroller.

7 (g) All funds appropriated by the legislature to the Texas  
8 Building and Procurement Commission for an activity described by  
9 Subsection (a) of this section, including funds for providing  
10 administrative support for those services, are transferred to the  
11 General Land Office.

12 (g-1) All funds appropriated by the legislature to the Texas  
13 Building and Procurement Commission for an activity transferred by  
14 this Act to the comptroller, including funds for providing  
15 administrative support for those services, are transferred to the  
16 comptroller.

17 (h) All property, employees, appropriations, and other  
18 items of the Texas Building and Procurement Commission that are not  
19 otherwise transferred by this section are transferred to the  
20 comptroller subject to Section 1.05 of this article.

21 SECTION 1.05. (a) In accordance with Section 1.04 of this  
22 article, the comptroller and the land commissioner shall adopt a  
23 memorandum of understanding that identifies and allocates between  
24 the office of the comptroller and the General Land Office the  
25 powers, duties, property, employees, appropriations, and other  
26 items transferred under Section 1.04. The memorandum of  
27 understanding must also:

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

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

9           (b) If the comptroller determines that the residual  
10 transfer of property, employees, appropriations, and other items to  
11 the comptroller under Section 1.04 of this article transferred  
12 property, employees, appropriations, or other items that relate  
13 primarily to an activity of the Texas Building and Procurement  
14 Commission that will be performed by an agency other than the office  
15 of the comptroller or the General Land Office, the comptroller  
16 shall transfer the property, employees, appropriations, or other  
17 items to that agency.

18           ARTICLE 2. TRANSFER OF DUTIES TO THE COMPTROLLER

19           SECTION 2.01. Subchapter A, Chapter 2155, Government Code,  
20 is amended by adding Section 2155.0011 to read as follows:

21           Sec. 2155.0011. 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           SECTION 2.02. Section 2155.144(k), Government Code, is  
27 amended to read as follows:

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

12 SECTION 2.03. Section 2155.322(b), Government Code, is  
13 amended to read as follows:

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

23 SECTION 2.04. Section 2155.323(b), Government Code, is  
24 amended to read as follows:

25 (b) If the comptroller approves the financial information,  
26 the comptroller shall determine whether [~~commission rules require~~  
27 ~~the commission to audit~~] the purchase information should also be



1 audited under Section 2155.324. [~~If a commission audit is~~  
2 ~~required, the comptroller shall promptly send the certification and~~  
3 ~~purchase information to the commission using the method and format~~  
4 ~~agreed to by the comptroller and the commission.~~]

5 SECTION 2.05. Section 2155.324, Government Code, is amended  
6 to read as follows:

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

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

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

20 SECTION 2.06. Section 2155.325, Government Code, is amended  
21 to read as follows:

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

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

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

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

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

10           SECTION 2.07. Section 2155.382(a), Government Code, is  
11 amended to read as follows:

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

17                   (1) the amount due on the invoice; or

18                   (2) the amount on the invoice that has been allowed.

19           SECTION 2.08. Section 2155.503, Government Code, is amended  
20 to read as follows:

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

24                   (1) establish standard terms for contracts listed on a  
25 schedule; and

26                   (2) maintain consistency with existing purchasing  
27 standards.

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

4 SECTION 2.09. Subchapter A, Chapter 2156, Government Code,  
5 is amended by adding Section 2156.0011 to read as follows:

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

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

11 SECTION 2.10. Subchapter A, Chapter 2157, Government Code,  
12 is amended by adding Section 2157.0011 to read as follows:

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

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

18 SECTION 2.11. Subchapter A, Chapter 2158, Government Code,  
19 is amended by adding Section 2158.0011 to read as follows:

20 Sec. 2158.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
21 powers and duties of the commission under this chapter are  
22 transferred to the comptroller.

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

25 SECTION 2.12. Subchapter A, Chapter 2161, Government Code,  
26 is amended by adding Section 2161.0011 to read as follows:

27 Sec. 2161.0011. TRANSFER OF DUTIES; REFERENCE. (a) The

1 powers and duties of the commission under this chapter are  
2 transferred to the comptroller.

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

5 SECTION 2.13. Section 2161.125, Government Code, is amended  
6 to read as follows:

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

12 SECTION 2.14. Section 2162.051(a), Government Code, is  
13 amended to read as follows:

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

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

23 SECTION 2.15. Section 2162.102(c), Government Code, is  
24 amended to read as follows:

25 (c) In performing its duties under this chapter, the council  
26 may:

- 27 (1) require a state agency to conduct a hearing,

1 study, review, or cost estimate, including an agency in-house cost  
2 estimate or a management study, concerning any aspect of a service  
3 identified under Subsection (a);

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

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

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

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

19 (6) determine the terms of a contract for service or  
20 interagency contract to provide a service identified under  
21 Subsection (a).

22 SECTION 2.16. Chapter 2163, Government Code, is amended by  
23 adding Section 2163.0011 to read as follows:

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

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

1 comptroller.

2 SECTION 2.17. Subchapter A, Chapter 2170, Government Code,  
3 is amended by adding Section 2170.0011 to read as follows:

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

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

9 SECTION 2.18. Subchapter A, Chapter 2171, Government Code,  
10 is amended by adding Section 2171.0011 to read as follows:

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

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

16 SECTION 2.19. Section 2171.056(e), Government Code, is  
17 amended to read as follows:

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

23 SECTION 2.20. Chapter 2172, Government Code, is amended by  
24 adding Section 2172.0011 to read as follows:

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

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

3        SECTION 2.21. Subchapter A, Chapter 2175, Government Code,  
4 is amended by adding Section 2175.0011 to read as follows:

5        Sec. 2175.0011. 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       SECTION 2.22. Section 2175.122, Government Code, is amended  
11 to read as follows:

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

17       SECTION 2.23. Section 2175.123(b), Government Code, is  
18 amended to read as follows:

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

21       SECTION 2.24. Section 2175.1825, Government Code, is  
22 amended to read as follows:

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

1 SECTION 2.25. Section 2175.190(a), Government Code, is  
2 amended to read as follows:

3 (a) On the sale by the comptroller [~~commission~~] of surplus  
4 or salvage property, the comptroller [~~commission~~] shall report the  
5 property sold and the sale price to the state agency that owned the  
6 property [~~and to the comptroller~~].

7 SECTION 2.26. Subchapter A, Chapter 2176, Government Code,  
8 is amended by adding Section 2176.0011 to read as follows:

9 Sec. 2176.0011. 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 SECTION 2.27. Section 2176.053, Government Code, is amended  
15 to read as follows:

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

19 SECTION 2.28. Subchapter A, Chapter 2177, Government Code,  
20 is amended by adding Section 2177.0011 to read as follows:

21 Sec. 2177.0011. 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 SECTION 2.29. Section 22.008(d), Government Code, is  
27 amended to read as follows:



1 (d) The reporter shall return the record, with briefs and  
2 opinions, to the clerk when the report is completed and from time to  
3 time shall deliver the reports to the comptroller [~~State Purchasing~~  
4 ~~and General Services Commission~~] for publication. Each volume  
5 shall be copyrighted in the name of the reporter, who immediately on  
6 delivery of the edition shall transfer and assign it to the state.  
7 The edition shall be electrotyped. The state owns the plates, and  
8 the comptroller [~~State Purchasing and General Services Commission~~]  
9 shall preserve them.

10 SECTION 2.30. Section 325.017(e), Government Code, is  
11 amended to read as follows:

12 (e) Unless the governor designates an appropriate state  
13 agency as prescribed by Subsection (f), property and records in the  
14 custody of an abolished state agency or advisory committee on  
15 September 1 of the even-numbered year after abolishment shall be  
16 transferred to the comptroller [~~State Purchasing and General~~  
17 ~~Services Commission~~]. If the governor designates an appropriate  
18 state agency, the property and records shall be transferred to the  
19 designated state agency.

20 SECTION 2.31. Section 403.251, Government Code, is amended  
21 to read as follows:

22 Sec. 403.251. ADDITIONAL DUTIES OF COMPTROLLER  
23 [~~COMMISSION~~]. The comptroller [~~commission~~] shall treat  
24 documentation submitted [~~to the commission~~] by a state agency as  
25 part of the procedure for replenishing a petty cash account as a  
26 proposed expenditure of appropriated funds. The comptroller  
27 [~~commission~~] shall follow its usual procedures for reviewing

1 purchases. The comptroller [~~commission~~] shall give the agency a  
2 written approval or disapproval of each disbursement from the petty  
3 cash account.

4 SECTION 2.32. Section 441.106, Government Code, is amended  
5 to read as follows:

6 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.  
7 If a state agency's printing is done by contract, an account for the  
8 printing may not be approved and a warrant may not be issued unless  
9 the agency first furnishes to the comptroller [~~Texas Building and~~  
10 ~~Procurement Commission~~] a receipt from the state librarian for the  
11 publication or a written waiver from the state librarian exempting  
12 the publication from this subchapter.

13 SECTION 2.33. Sections 441.194(a) and (b), Government Code,  
14 are amended to read as follows:

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

19 (b) Unless the requirement is waived by the state records  
20 administrator, the records management officer of the comptroller  
21 [~~General Services Commission~~], or of another state agency that  
22 receives custody of the records pursuant to law, shall prepare and  
23 submit to the state archivist and the state records administrator a  
24 list of the records of the abolished state agency within 180 days of  
25 the effective date of the agency's abolition.

26 SECTION 2.34. Section 444.021(a), Government Code, is  
27 amended to read as follows:

1 (a) The commission shall:

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

5 (2) make visits and vacations to the state more  
6 appealing to the world;

7 (3) attract, through appropriate programs of  
8 publicity and education, additional outstanding artists to become  
9 state residents;

10 (4) direct activities such as the sponsorship of  
11 lectures and exhibitions and the central compilation and  
12 dissemination of information on the progress of the arts in the  
13 state;

14 (5) provide advice to the comptroller [~~General~~  
15 ~~Services commission~~], Texas Historical Commission, Texas State  
16 Library, Texas Tourist Development Agency, Texas Department of  
17 Transportation, and other state agencies to provide a concentrated  
18 state effort in encouraging and developing an appreciation for the  
19 arts in the state;

20 (6) provide advice relating to the creation,  
21 acquisition, construction, erection, or remodeling by the state of  
22 a work of art; and

23 (7) provide advice, on request of the governor,  
24 relating to the artistic character of buildings constructed,  
25 erected, or remodeled by the state.

26 SECTION 2.35. Section 465.0082, Government Code, is amended  
27 to read as follows:

1           Sec. 465.0082. PURCHASING RULES. The commission shall  
2 adopt rules to guide its purchases of supplies, materials,  
3 services, and equipment to carry out eligible undertakings as  
4 defined by Section 465.021. The commission shall use as a guide,  
5 whenever consistent with the commission's purposes, the rules of  
6 the comptroller [~~State Purchasing and General Services~~  
7 ~~Commission~~].

8           SECTION 2.36. Section 465.018(b), Government Code, is  
9 amended to read as follows:

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

13           SECTION 2.37. Section 466.104, Government Code, is amended  
14 to read as follows:

15           Sec. 466.104. ASSISTANCE OF COMPTROLLER [~~GENERAL SERVICES~~  
16 ~~COMMISSION~~]. On request of the executive director, the comptroller  
17 [~~General Services Commission~~] shall assist the executive director  
18 in:

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

21           (2) establishing procedures for the executive  
22 director's accelerated acquisition of facilities, supplies,  
23 materials, equipment, and services for the operation of the  
24 lottery.

25           SECTION 2.38. Section 481.027(f), Government Code, is  
26 amended to read as follows:

27           (f) The comptroller [~~General Services Commission~~] may, at

1 the request of a state agency, provide to the agency services  
2 exempted from the application of Subtitle D, Title 10 under  
3 Subsection (e). Chapter 771 does not apply to services provided  
4 under this subsection. The comptroller [~~commission~~] shall  
5 establish a system of charges and billings that ensures recovery of  
6 the cost of providing the services and shall submit a purchase  
7 voucher or a journal voucher, after the close of each month, to the  
8 agency for which services were performed.

9 SECTION 2.39. Section 496.0515(b), Government Code, is  
10 amended to read as follows:

11 (b) The department shall promulgate procedures for the  
12 purpose of purchasing under Subsection (a). The department shall  
13 file copies of the procedures promulgated under this subsection  
14 with the comptroller [~~General Services Commission~~].

15 SECTION 2.40. Section 497.024(b), Government Code, is  
16 amended to read as follows:

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

24 SECTION 2.41. Sections 497.025(a) and (c), Government Code,  
25 are amended to read as follows:

26 (a) An agency of the state that purchases articles and  
27 products under this subchapter must requisition the purchase

1 through the comptroller [~~General Services Commission~~] except for  
2 purchases of articles or products not included in an established  
3 contract. The purchase of articles or products not included in an  
4 established contract and that do not exceed the dollar limits  
5 established under Section 2155.132 may be acquired directly from  
6 the office on the agency's obtaining an informal or a formal  
7 quotation for the item and issuing a proper purchase order to the  
8 office. The comptroller [~~General Services Commission~~] and the  
9 department shall enter into an agreement to expedite the process by  
10 which agencies are required to requisition purchases of articles or  
11 products through the comptroller [~~commission~~].

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

25 SECTION 2.42. Section 497.026, Government Code, is amended  
26 to read as follows:

27 Sec. 497.026. PRICES. The office and the comptroller

1 ~~[General Services Commission]~~ shall determine the sales price of  
2 articles and products produced under this subchapter.

3 SECTION 2.43. Section 497.027, Government Code, is amended  
4 to read as follows:

5 Sec. 497.027. SPECIFICATIONS. (a) The comptroller  
6 ~~[General Services Commission]~~ shall establish specifications for  
7 articles and products produced under this subchapter. An article  
8 or product produced under this subchapter must meet specifications  
9 established under this subsection in effect when the article or  
10 product is produced.

11 (b) The office may manufacture articles and products to meet  
12 commercial specifications for the article or product if the  
13 comptroller ~~[General Services Commission]~~ has not established  
14 specifications for the article or product and the comptroller  
15 ~~[commission]~~ approves the commercial specifications.

16 SECTION 2.44. Section 497.029, Government Code, is amended  
17 to read as follows:

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

21 SECTION 2.45. Section 497.030, Government Code, is amended  
22 to read as follows:

23 Sec. 497.030. COMPTROLLER ~~[GENERAL SERVICES COMMISSION]~~  
24 REPORTS. (a) Not later than the 31st day before the first day of  
25 each fiscal year, the comptroller ~~[General Services Commission]~~  
26 shall submit to the office a report that summarizes the types and  
27 amounts of articles and products sold under this subchapter in the

1 preceding nine months.

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

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

11 SECTION 2.46. Section 531.0312(b), Government Code, is  
12 amended to read as follows:

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

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

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



1 SECTION 2.47. Subchapter A, Chapter 663, Government Code,  
2 is amended by adding Section 663.0011 to read as follows:

3 Sec. 663.0011. 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 2.48. Sections 791.025(a) and (b), Government Code,  
9 are amended to read as follows:

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

14 (b) A local government, including a council of governments,  
15 may agree with another local government, including a nonprofit  
16 corporation that is created and operated to provide one or more  
17 governmental functions and services, or with the state or a state  
18 agency, including the comptroller [~~General Services Commission~~],  
19 to purchase goods and any services reasonably required for the  
20 installation, operation, or maintenance of the goods. This  
21 subsection does not apply to services provided by firefighters,  
22 police officers, or emergency medical personnel.

23 SECTION 2.49. Section 825.103(d), Government Code, is  
24 amended to read as follows:

25 (d) Notwithstanding any other law, the retirement system  
26 has exclusive authority over the purchase of goods and services  
27 using money other than money appropriated from the general revenue

1 fund, including specifically money from trusts under the  
2 administration of the retirement system, and Subtitle D, Title 10,  
3 does not apply to the retirement system with respect to that money.  
4 The retirement system shall acquire goods or services by  
5 procurement methods approved by the board of trustees or the  
6 board's designee. For purposes of this subsection, goods and  
7 services include all professional and consulting services and  
8 utilities as well as supplies, materials, equipment, skilled or  
9 unskilled labor, and insurance. The comptroller [~~Texas Building~~  
10 ~~and Procurement Commission~~] shall procure goods or services for the  
11 retirement system at the request of the retirement system, and the  
12 retirement system may use the services of the comptroller [~~that~~  
13 ~~commission~~] in procuring goods or services.

14 SECTION 2.50. Section 2051.052, Government Code, is amended  
15 to read as follows:

16 Sec. 2051.052. CANCELLATION OF PUBLISHING CONTRACT. The  
17 comptroller [~~General Services Commission~~] or a district or county  
18 official required to publish a notice may cancel a contract  
19 executed by the comptroller [~~commission~~] or official for the  
20 publication if the comptroller [~~commission~~] or official determines  
21 that the newspaper charges a rate higher than the legal rate.

22 SECTION 2.51. Section 2054.057(a), Government Code, is  
23 amended to read as follows:

24 (a) The department, with the cooperation of the  
25 comptroller [~~the General Services Commission~~] and other  
26 appropriate state agencies, shall develop and implement a program  
27 to train state agency personnel in effectively negotiating

1 contracts for the purchase of information resources technologies.

2 SECTION 2.52. Section 2101.038, Government Code, is amended  
3 to read as follows:

4 Sec. 2101.038. DUTIES OF STATE AUDITOR. The state auditor,  
5 when reviewing the operation of a state agency, shall audit for  
6 compliance with the uniform statewide accounting system, the  
7 comptroller's rules, and the Legislative Budget Board's performance  
8 and workload measures. The state auditor shall also audit state  
9 agencies that make purchases that are exempted from the purchasing  
10 authority of the comptroller [~~General Services Commission~~] or that  
11 make purchases under delegated purchasing authority for compliance  
12 with applicable provisions of Subtitle D, except that this section  
13 does not require the state auditor to audit purchases made under  
14 Section 51.9335, Education Code, or made under Section 73.115,  
15 Education Code. The state auditor shall notify the comptroller,  
16 the governor, the lieutenant governor, the speaker of the house of  
17 representatives, and the Legislative Budget Board as soon as  
18 practicable when a state agency is not in compliance.

19 SECTION 2.53. Section 2103.032(a), Government Code, is  
20 amended to read as follows:

21 (a) The comptroller by rule may establish a system for state  
22 agencies to submit and approve electronically vouchers if the  
23 comptroller determines that the system will facilitate the  
24 operation and administration of the uniform statewide accounting  
25 system. The comptroller may establish an electronic method to  
26 approve a voucher submitted by a state agency [~~and may establish an~~  
27 ~~electronic system for the approval of vouchers by the General~~

1 ~~Services Commission~~].

2 SECTION 2.54. Sections 2113.103(a), (c), and (d),  
3 Government Code, are amended to read as follows:

4 (a) A state agency should use the most cost-effective means  
5 of postal service available. A state agency may use appropriated  
6 money to purchase any form of mailing service available from the  
7 United States Postal Service that results in lower cost to the  
8 agency and affords service comparable in quality to other available  
9 postal services. The comptroller [~~General Services Commission~~]  
10 shall assist state agencies in determining the types and  
11 comparability of postal services available from the United States  
12 Postal Service.

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

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

27 (1) to an authorized petty cash account;

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

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

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

8           SECTION 2.55. Section 2113.301(h), Government Code, is  
9 amended to read as follows:

10           (h) The comptroller [~~Texas Building and Procurement~~  
11 ~~Commission~~] shall appoint a task force to develop design  
12 recommendations that are to be used for state facilities and that  
13 encourage rain harvesting and water recycling by state agencies  
14 using appropriated money to finance a capital expenditure for a  
15 state facility purpose.

16           SECTION 2.56. Section 2203.005(b), Government Code, is  
17 amended to read as follows:

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

22           SECTION 2.57. Sections 2205.004(a) and (c), Government  
23 Code, are amended to read as follows:

24           (a) The board is composed of:

25               (1) a member appointed by the governor;

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

27               (3) a member appointed by the speaker of the house of

1 representatives; and

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

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

8 SECTION 2.58. Section 2205.012(a), Government Code, is  
9 amended to read as follows:

10 (a) The board may employ and compensate staff as provided by  
11 legislative appropriation or may use staff provided by the  
12 comptroller [~~General Services Commission~~] or the state auditor's  
13 office.

14 SECTION 2.59. Section 2251.003, Government Code, is amended  
15 to read as follows:

16 Sec. 2251.003. RULES. The comptroller [~~General Services~~  
17 ~~Commission~~] shall establish procedures and adopt rules to  
18 administer this chapter[, ~~except that the commission may not~~  
19 ~~establish a procedure or adopt a rule that conflicts with a~~  
20 ~~procedure established or a rule adopted by the comptroller under~~  
21 ~~Section 2251.026(i)~~].

22 SECTION 2.60. Section 2252.003(a), Government Code, is  
23 amended to read as follows:

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

26 (1) a list showing each state that regulates the award  
27 of a governmental contract to a bidder whose principal place of

1 business is not located in that state; and

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

6 SECTION 2.61. Section 2254.040, Government Code, is amended  
7 to read as follows:

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

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

14 SECTION 2.62. Sections 2261.001(a) and (c), Government  
15 Code, are amended to read as follows:

16 (a) This chapter applies only to each procurement of goods  
17 or services made by a state agency that is neither made by the  
18 comptroller [~~General Services Commission~~] nor made under  
19 purchasing authority delegated to the agency by or under Section  
20 51.9335 or 73.115, Education Code, or Section 2155.131, 2155.132,  
21 or 2155.133.

22 (c) The comptroller [~~General Services Commission~~] on  
23 request shall determine whether a procurement or type of  
24 procurement:

25 (1) is made under purchasing authority delegated to an  
26 agency by or under Section 2155.131, 2155.132, or 2155.133; or

27 (2) is made under some other source of purchasing

1 authority.

2 SECTION 2.63. Subchapter A, Chapter 2262, Government Code,  
3 is amended by adding Section 2262.0011 to read as follows:

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

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

9 SECTION 2.64. Section 2302.002, Government Code, is amended  
10 to read as follows:

11 Sec. 2302.002. COMPOSITION OF COUNCIL. The council is  
12 composed of:

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

16 (A) the commission;

17 (B) the Railroad Commission of Texas; and

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

19 [~~(D)~~] the Texas Natural Resource Conservation  
20 Commission;

21 (2) one representative of the office of the attorney  
22 general, appointed by the attorney general;

23 (3) one representative of the comptroller, appointed  
24 by the comptroller; and

25 (4) [~~(3)~~] one representative of higher education,  
26 appointed by the governor.

27 SECTION 2.65. Section 12.014(b), Agriculture Code, is



1 amended to read as follows:

2 (b) Under the direction of the department, the comptroller  
3 [~~State Purchasing and General Services Commission~~] shall have  
4 printed not more than 10,000 copies of the annual report of the  
5 department. The department shall distribute the copies to farmers  
6 through the farmers' institutes or agricultural organizations or  
7 through other means as determined by the department.

8 SECTION 2.66. Section 12.029(c), Agriculture Code, is  
9 amended to read as follows:

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

19 SECTION 2.67. Section 13.112, Agriculture Code, is amended  
20 to read as follows:

21 Sec. 13.112. TESTS FOR STATE INSTITUTIONS. As requested by  
22 the comptroller [~~State Purchasing and General Services Commission~~]  
23 or the governing body of a state institution, the department shall  
24 test each weight or measure used by a state institution for any  
25 purpose, including a weight or measure used in checking the receipt  
26 and distribution of supplies. The department shall report results  
27 of the test to the chairman of the governing body of the

1 institution.

2 SECTION 2.68. Section 49.004(d), Agriculture Code, is  
3 amended to read as follows:

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

8 SECTION 2.69. Section 201.105(c), Agriculture Code, is  
9 amended to read as follows:

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

14 SECTION 2.70. Section 34.001, Education Code, is amended to  
15 read as follows:

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

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

22 SECTION 2.71. Section 34.006, Education Code, is amended to  
23 read as follows:

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

27 (b) A school district is not required to dispose of a school

1 bus through the comptroller [~~General Services Commission~~].

2 SECTION 2.72. Section 106.54, Education Code, is amended to  
3 read as follows:

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

21 SECTION 2.73. Section 107.66, Education Code, is amended to  
22 read as follows:

23 Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC.  
24 The board may make requisition to the comptroller [~~General Services~~  
25 ~~Commission~~] for furniture, furnishings, equipment, and  
26 appointments required for the proper use and enjoyment of  
27 improvements erected by the board, and the comptroller [~~General~~

1 ~~Services Commission~~] may purchase and pay for the furnishings,  
2 equipment, and appointments.

3 SECTION 2.74. Section 141.003(c), Education Code, is  
4 amended to read as follows:

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

9 SECTION 2.75. Section 142.004(e), Education Code, is  
10 amended to read as follows:

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

15 SECTION 2.76. Section 143.005(f), Education Code, is  
16 amended to read as follows:

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

21 SECTION 2.77. Section 152.004(e), Education Code, is  
22 amended to read as follows:

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

27 SECTION 2.78. Section 361.423, Health and Safety Code, is

1 amended to read as follows:

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

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

12                   (1) identify existing economic and regulatory  
13 incentives and disincentives for creating an optimal market  
14 development strategy;

15                   (2) analyze or take into consideration the market  
16 development implications of:

17                           (A) the state's waste management policies and  
18 regulations;

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

22                           (C) the state's tax structure and overall  
23 economic base;

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

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

- 1 (B) tax incentives and disincentives;
- 2 (C) the availability of financial capital  
3 including grants, loans, and venture capital;
- 4 (D) enterprise zones;
- 5 (E) managerial and technical assistance;
- 6 (F) job-training programs;
- 7 (G) strategies for matching market supply and  
8 market demand for recyclable materials, including intrastate and  
9 interstate coordination;
- 10 (H) the state recycling goal;
- 11 (I) public-private partnerships;
- 12 (J) research and development;
- 13 (K) government procurement policies;
- 14 (L) educational programs for the public,  
15 corporate and regulated communities, and government entities; and
- 16 (M) public health and safety regulatory  
17 policies;
- 18 (4) establish a comprehensive statewide strategy to  
19 expand markets for recycled products in Texas;
- 20 (5) provide information and technical assistance to  
21 small and disadvantaged businesses, business development centers,  
22 chambers of commerce, educational institutions, and nonprofit  
23 associations on market opportunities in the area of recycling; and
- 24 (6) with the cooperation of the Office of  
25 State-Federal Relations, assist communities and private entities  
26 in identifying state and federal grants pertaining to recycling and  
27 solid waste management.

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

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

10 SECTION 2.79. Section 361.425(a), Health and Safety Code,  
11 is amended to read as follows:

12 (a) A state agency, state court or judicial agency, a  
13 university system or institution of higher education, a county,  
14 municipality, school district, or special district shall:

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

21 (2) provide procedures for collecting and storing  
22 recyclable materials, containers for recyclable materials, and  
23 procedures for making contractual or other arrangements with buyers  
24 of recyclable materials;

25 (3) evaluate the amount of recyclable material  
26 recycled and modify the recycling program as necessary to ensure  
27 that all recyclable materials are effectively and practicably

1 recycled; and

2 (4) establish educational and incentive programs to  
3 encourage maximum employee participation.

4 SECTION 2.80. Section 361.427(a), Health and Safety Code,  
5 is amended to read as follows:

6 (a) The commission, in consultation with the comptroller  
7 [~~General Services Commission~~], shall promulgate rules to establish  
8 guidelines which specify the percent of the total content of a  
9 product which must consist of recycled material for the product to  
10 be a "recycled product."

11 SECTION 2.81. Section 841.083(c-2), Health and Safety  
12 Code, is amended to read as follows:

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

18 SECTION 2.82. Section 32.044(d), Human Resources Code, is  
19 amended to read as follows:

20 (d) The department with the assistance of the Health and  
21 Human Services Commission and the comptroller [~~General Services  
22 Commission~~] shall adopt rules under this section that allow the  
23 public or private hospital to make purchases through group  
24 purchasing programs except when the department has reason to  
25 believe that a better value is available through another  
26 procurement method.

27 SECTION 2.83. Section 111.0553(a), Human Resources Code, is



1 amended to read as follows:

2 (a) The commission shall develop and, following review and  
3 approval by the board, implement agency-wide procurement  
4 procedures to:

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

7 (2) document that a best-value review of vendors has  
8 occurred;

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

10 (4) negotiate price discounts with high-volume  
11 vendors;

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

15 (6) provide effective public notification to  
16 potential vendors of planned commission purchases.

17 SECTION 2.84. Chapter 122, Human Resources Code, is amended  
18 by adding Section 122.0011 to read as follows:

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

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

24 SECTION 2.85. Article 21A.0135(a), Insurance Code, is  
25 amended to read as follows:

26 (a) The receiver shall use a competitive bidding process in  
27 the selection of any special deputies appointed under Section

1 21A.102 or 21A.154. The process must include procedures to promote  
2 the participation of historically underutilized businesses that  
3 have been certified by the comptroller [~~Texas Building and~~  
4 ~~Procurement Commission~~] under Section 2161.061, Government Code.

5 SECTION 2.86. Sections 201.007(b), (c), (f), and (g), Local  
6 Government Code, are amended to read as follows:

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

16 (c) After the settlement of the outstanding indebtedness of  
17 an abolished special-purpose district or authority, other than a  
18 school district, and the satisfaction of the other applicable  
19 requirements of state law establishing or permitting the  
20 establishment of the district or authority or governing its  
21 abolition, the district's governing body at the time the district  
22 is abolished shall transfer the records of the district to the  
23 custody of the comptroller [~~General Services Commission~~]. A record  
24 of an abolished special-purpose district or authority may not be  
25 sold to satisfy an outstanding indebtedness.

26 (f) The cost of the transfer of records to the comptroller  
27 [~~General Services Commission~~] under this section shall be paid for

1 out of the funds of the abolished local government. If funds of the  
2 local government are not available for this purpose, the cost of the  
3 transfer shall be paid out of the funds of the comptroller [~~General~~  
4 ~~Services Commission~~].

5 (g) The records retention schedules issued by the  
6 commission shall be used, as far as practicable, as the basis for  
7 the retention and disposition of local government records  
8 transferred to the custody of the comptroller [~~General Services~~  
9 ~~Commission~~] under this section.

10 SECTION 2.87. Section 252.0215, Local Government Code, is  
11 amended to read as follows:

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

21 SECTION 2.88. The heading to Section 262.002, Local  
22 Government Code, is amended to read as follows:

23 Sec. 262.002. AUTHORITY TO PURCHASE ROAD EQUIPMENT AND  
24 TIRES THROUGH COMPTROLLER [~~STATE PURCHASING AND GENERAL SERVICES~~  
25 ~~COMMISSION~~].

26 SECTION 2.89. Section 262.002(a), Local Government Code, is  
27 amended to read as follows:

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

5 SECTION 2.90. Section 271.082, Local Government Code, is  
6 amended to read as follows:

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

11 (1) the extension of state contract prices to  
12 participating local governments when the comptroller [~~commission~~]  
13 considers it feasible;

14 (2) solicitation of bids on items desired by local  
15 governments if the solicitation is considered feasible by the  
16 comptroller [~~commission~~] and is desired by the local government;  
17 and

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

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

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

26 SECTION 2.91. Section 113.283(a), Natural Resources Code,  
27 is amended to read as follows:

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

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

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

4 (3) the comptroller [~~chairman of the General Services~~  
5 ~~Commission~~]; and

6 (4) the chairman of the Texas Natural Resource  
7 Conservation Commission.

8 SECTION 2.92. Section 161.020, Natural Resources Code, is  
9 amended to read as follows:

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

16 SECTION 2.93. Section 12.008(c), Parks and Wildlife Code,  
17 is amended to read as follows:

18 (c) The comptroller [~~State Purchasing and General Services~~  
19 ~~Commission~~] shall execute any sale of products under this section  
20 under the general law governing the sale of state property;  
21 however, the department shall determine the quantity of products to  
22 be offered for sale and the consideration in lieu of money to be  
23 received under the sale. The department may lease grazing or  
24 farming rights under this section. In leasing the rights, the  
25 department must follow a competitive bidding procedure.

26 SECTION 2.94. Section 81.404(b), Parks and Wildlife Code,  
27 is amended to read as follows:

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

9 SECTION 2.95. Section 111.0035(f), Tax Code, is amended to  
10 read as follows:

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

19 SECTION 2.96. Section 111.0036(f), Tax Code, is amended to  
20 read as follows:

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

1 Legislative Budget Board before awarding the contract.

2 SECTION 2.97. Section 201.706, Transportation Code, is  
3 amended to read as follows:

4 Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From  
5 appropriated funds, the department shall assist counties with  
6 materials to repair and maintain county roads. The department  
7 shall:

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

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

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

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

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

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

23 SECTION 2.98. Section 202.082(b), Transportation Code, is  
24 amended to read as follows:

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

27 (1) Chapter 2175, Government Code; or

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

3           SECTION 2.99. Section 223.041(b), Transportation Code, is  
4 amended to read as follows:

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

21           SECTION 2.100. Section 502.052(c), Transportation Code, is  
22 amended to read as follows:

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



1 SECTION 2.101. Section 502.053(b), Transportation Code, is  
2 amended to read as follows:

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

8 (1) the cost of metal, paint, and other materials  
9 purchased;

10 (2) the inmate maintenance cost per day;

11 (3) overhead expenses;

12 (4) miscellaneous charges; and

13 (5) a previously approved amount of profit for the  
14 work.

15 SECTION 2.102. Section 14.058, Utilities Code, is amended  
16 to read as follows:

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

18 The fees charged by the commission for electronic access to  
19 information that is stored in the system established by the  
20 commission using funds from the Texas Public Finance Authority and  
21 approved by the Department of Information Resources shall be  
22 established:

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

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

1 SECTION 2.103. Section 222.004(v), Water Code, is amended  
2 to read as follows:

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

8 SECTION 2.104. The following provisions of the Government  
9 Code are repealed:

- 10 (1) Section 403.241(1);  
11 (2) Section 551.0726;  
12 (3) Section 663.002;  
13 (4) Section 2103.063;  
14 (5) Section 2155.326;  
15 (6) Section 2161.002(b); and  
16 (7) Section 2175.182(c).

17 ARTICLE 3. TRANSFER OF DUTIES TO THE GENERAL LAND OFFICE

18 SECTION 3.01. Subchapter A, Chapter 2165, Government Code,  
19 is amended by adding Section 2165.0011 to read as follows:

20 Sec. 2165.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
21 powers and duties of the commission under this chapter are  
22 transferred to the General Land Office.

23 (b) In this chapter, a reference to the commission means the  
24 General Land Office. However, a reference authorizing or requiring  
25 the commission to adopt rules or a reference to the governing body  
26 or presiding officer of the governing body of the commission is a  
27 reference to the land commissioner.

1 SECTION 3.02. Subchapter A, Chapter 2166, Government Code,  
2 is amended by adding Section 2166.0011 to read as follows:

3 Sec. 2166.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
4 powers and duties of the commission under this chapter are  
5 transferred to the General Land Office.

6 (b) In this chapter, a reference to the commission means the  
7 General Land Office. However, a reference authorizing or requiring  
8 the commission to adopt rules or a reference to the governing body  
9 or presiding officer of the governing body of the commission is a  
10 reference to the land commissioner.

11 SECTION 3.03. Subchapter A, Chapter 2167, Government Code,  
12 is amended by adding Section 2167.0011 to read as follows:

13 Sec. 2167.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
14 powers and duties of the commission under this chapter are  
15 transferred to the General Land Office.

16 (b) In this chapter, a reference to the commission means the  
17 General Land Office. However, a reference authorizing or requiring  
18 the commission to adopt rules or a reference to the governing body  
19 or presiding officer of the governing body of the commission is a  
20 reference to the land commissioner.

21 SECTION 3.04. Section 411.064, Government Code, is amended  
22 to read as follows:

23 Sec. 411.064. ASSISTANCE OF TEXAS DEPARTMENT OF  
24 TRANSPORTATION OR GENERAL LAND OFFICE [~~SERVICES COMMISSION~~]. (a)  
25 On request of the department, the Texas Department of  
26 Transportation and the General Land Office [~~Services Commission~~]  
27 shall:

1           (1) assist the department in the marking and  
2 designation of parking lots, parking garages, and parking spaces;

3           (2) maintain the painting of lines and curb markings;  
4 and

5           (3) furnish and erect direction and information signs.

6           (b) The department may recover the cost of providing the  
7 services described in Subsection (a) from the agency or agencies  
8 for which the service was provided. To the extent that either the  
9 General Land Office [~~Services Commission~~] or the Texas Department  
10 of Transportation provides or assists in providing the services  
11 described in Subsection (a), that agency shall be reimbursed by the  
12 department from its funds or the funds received from another agency  
13 under this subsection.

14           SECTION 3.05. Section 411.0645(a), Government Code, is  
15 amended to read as follows:

16           (a) The department, the City of Austin, the Capital  
17 Metropolitan Transportation Authority, the General Land Office  
18 [~~Services Commission~~], the State Preservation Board, and The  
19 University of Texas at Austin shall each designate a representative  
20 to a committee established for the purpose of coordinating  
21 transportation in and adjacent to the Capitol Complex. The  
22 representative of the department shall convene the initial meeting  
23 of the committee, and the committee shall elect officers and meet as  
24 decided by the committee.

25           SECTION 3.06. Section 417.0081, Government Code, is amended  
26 to read as follows:

27           Sec. 417.0081. INSPECTION       OF       CERTAIN       STATE-OWNED

1 BUILDINGS. The state fire marshal, at the commissioner's  
2 direction, shall periodically inspect public buildings under the  
3 charge and control of the General Land Office [~~Services~~  
4 ~~Commission~~].

5 SECTION 3.07. Section 417.0082, Government Code, is amended  
6 to read as follows:

7 Sec. 417.0082. PROTECTION OF CERTAIN STATE-OWNED BUILDINGS  
8 AGAINST FIRE HAZARDS. (a) The state fire marshal, under the  
9 direction of the commissioner, shall take any action necessary to  
10 protect a public building under the charge and control of the  
11 General Land Office [~~Services Commission~~], and the building's  
12 occupants, against an existing or threatened fire hazard.

13 (b) The commissioner and the land commissioner [~~General~~  
14 ~~Services Commission~~] shall make and each adopt by rule a memorandum  
15 of understanding that coordinates the agency's duties under this  
16 section.

17 SECTION 3.08. Section 442.005(d), Government Code, is  
18 amended to read as follows:

19 (d) The commission shall compile and furnish to the General  
20 Land Office [~~State Purchasing and General Services Commission~~] a  
21 list of the names and addresses of individuals and organizations  
22 that are interested in the preservation of historic structures.  
23 The list shall be updated at least once each year.

24 SECTION 3.09. Section 442.0071(e), Government Code, is  
25 amended to read as follows:

26 (e) The General Land Office [~~State Purchasing and General~~  
27 ~~Services Commission~~] and the office of the governor may exercise

1 the powers and shall perform the duties relating to the Governor's  
2 Mansion that are provided by applicable law, subject to the  
3 requirements of this section.

4 SECTION 3.10. Sections 469.106(b) and (d), Government Code,  
5 are amended to read as follows:

6 (b) The department and the General Land Office [~~Texas~~  
7 ~~Building and Procurement Commission~~] shall ensure compliance with  
8 the standards and specifications described by Subsection (a) for a  
9 building or facility described by Subsection (a) and leased for an  
10 annual amount of more than \$12,000 or built by or for the state.

11 (d) If an inspection under Subsection (c) determines that a  
12 building or facility does not comply with all applicable standards  
13 and specifications, the leasing agency or the General Land Office  
14 [~~Texas Building and Procurement Commission~~], as applicable, shall  
15 cancel the lease unless the lessor brings the building or facility  
16 into compliance not later than:

17 (1) the 60th day after the date the person performing  
18 the inspection delivers the results of the inspection to the lessor  
19 or the lessor's agent; or

20 (2) a later date established by the commission if  
21 circumstances justify a later date.

22 SECTION 3.11. Section 663.104, Government Code, is amended  
23 to read as follows:

24 Sec. 663.104. ESTABLISHMENT OF CHILD CARE FACILITIES. To  
25 establish a child care facility, the General Land Office in  
26 consultation with the comptroller [~~commission~~] shall:

27 (1) acquire necessary real and personal property,

1 including mobile and prefabricated buildings; or

2 (2) build, renovate, repair, or equip a building,  
3 including constructing or placing a new building on real property  
4 the state owns.

5 SECTION 3.12. Section 663.111(b), Government Code, is  
6 amended to read as follows:

7 (b) After a site has been selected, the General Land Office  
8 [~~commission~~] shall give priority to implementing the plan to  
9 prepare the child care facility over other building construction,  
10 repairs, or renovations.

11 SECTION 3.13. Subchapter A, Chapter 1232, Government Code,  
12 is amended by adding Section 1232.0011 to read as follows:

13 Sec. 1232.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
14 powers and duties of the commission under this chapter are  
15 transferred to the General Land Office.

16 (b) In this chapter, a reference to the commission means the  
17 General Land Office.

18 SECTION 3.14. Section 21.003(f), Human Resources Code, is  
19 amended to read as follows:

20 (f) The board's office is in Austin in a building designated  
21 by the General Land Office [~~State Purchasing and General Services~~  
22 ~~Commission~~].

23 SECTION 3.15. Section 61.016, Human Resources Code, is  
24 amended to read as follows:

25 Sec. 61.016. OFFICE. The commission shall have its office  
26 wherever it chooses, in a building designated and approved by the  
27 General Land Office [~~State Purchasing and General Services~~

1 ~~Commission~~].

2 SECTION 3.16. Section 94.002(b), Human Resources Code, is  
3 amended to read as follows:

4 (b) Subsection (a) of this section does not apply to a  
5 building in which the General Land Office [~~State Purchasing and~~  
6 ~~General Services Commission~~] leases space to a private tenant under  
7 Subchapter E, Chapter 2165, Government Code.

8 SECTION 3.17. Section 2166.056(d), Government Code, is  
9 repealed.

10 ARTICLE 4. DEPARTMENT OF INFORMATION RESOURCES

11 SECTION 4.01. Section 35.102(c), Business & Commerce Code,  
12 is amended to read as follows:

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

19 SECTION 4.02. Section 44.031(i), Education Code, is amended  
20 to read as follows:

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



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

3 SECTION 4.03. Section 2054.123(a), Government Code, is  
4 amended to read as follows:

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

15 SECTION 4.04. Section 2054.201, Government Code, is amended  
16 to read as follows:

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

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

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

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

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

1 governor;

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

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

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

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

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

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

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

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

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

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

1 serves at the discretion of the comptroller;

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

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

8 SECTION 4.05. Sections 2054.304(b) and (c), Government  
9 Code, are amended to read as follows:

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

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

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

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

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

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

25 SECTION 4.06. Section 771.031(b), Health and Safety Code,  
26 is amended to read as follows:

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

1 members:

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

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

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

11 SECTION 4.07. Section 771.0711(e), Health and Safety Code,  
12 is amended to read as follows:

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

19 SECTION 4.08. Section 55.203(f), Utilities Code, is amended  
20 to read as follows:

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

ARTICLE 5. CONFORMING AMENDMENTS; MISCELLANEOUS

SECTION 5.01. Section 201.002(b), Transportation Code, is amended to read as follows:

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

SECTION 5.02. Section 403.023(b), Government Code, is amended to read as follows:

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

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

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

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

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

SECTION 5.03. Section 441.203(a), Government Code, is amended to read as follows:

(a) The Records Management Interagency Coordinating Council

1 is composed of:

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

4 (A) the secretary of state;

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

7 (C) the comptroller of public accounts;

8 (D) the attorney general;

9 (E) the director and librarian; and

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

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

14 (2) auxiliary voting members, consisting of:

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

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

22 SECTION 5.04. Section 552.009(a), Government Code, as  
23 amended by Chapters 329 and 716, Acts of the 79th Legislature,  
24 Regular Session, 2005, is reenacted to read as follows:

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

27 (1) a representative of each of the following,

1 appointed by its governing entity:

- 2 (A) the comptroller's office;
  - 3 (B) the Department of Public Safety;
  - 4 (C) the Department of Information Resources; and
  - 5 (D) the Texas State Library and Archives
- 6 Commission;

7 (2) five public members, appointed by the attorney  
8 general; and

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

- 11 (A) a municipality;
- 12 (B) a county; and
- 13 (C) a school district.

14 SECTION 5.05. Section 572.003(c), Government Code, is  
15 amended to read as follows:

16 (c) The term means a member of:

- 17 (1) the Public Utility Commission of Texas;
- 18 (2) the Texas Department of Economic Development;
- 19 (3) the Texas Commission on Environmental Quality;
- 20 (4) the Texas Alcoholic Beverage Commission;
- 21 (5) The Finance Commission of Texas;
- 22 (6) ~~the Texas Building and Procurement Commission;~~
- 23 ~~[(7)]~~ the Texas Board of Criminal Justice;
- 24 (7) ~~[(8)]~~ the board of trustees of the Employees  
25 Retirement System of Texas;
- 26 (8) ~~[(9)]~~ the Texas Transportation Commission;
- 27 (9) ~~[(10)]~~ the Texas Workers' Compensation

- 1 Commission;
- 2           (10) [~~(11)~~] the Texas Department of Insurance;
- 3           (11) [~~(12)~~] the Parks and Wildlife Commission;
- 4           (12) [~~(13)~~] the Public Safety Commission;
- 5           (13) [~~(14)~~] the Texas Ethics Commission;
- 6           (14) [~~(15)~~] the State Securities Board;
- 7           (15) [~~(16)~~] the Texas Water Development Board;
- 8           (16) [~~(17)~~] the governing board of a public senior
- 9 college or university as defined by Section 61.003, Education Code,
- 10 or of The University of Texas Southwestern Medical Center at
- 11 Dallas, The University of Texas Medical Branch at Galveston, The
- 12 University of Texas Health Science Center at Houston, The
- 13 University of Texas Health Science Center at San Antonio, The
- 14 University of Texas System Cancer Center, The University of Texas
- 15 Health Science Center at Tyler, University of North Texas Health
- 16 Science Center at Fort Worth, Texas Tech University Health Sciences
- 17 Center, Texas State Technical College--Harlingen, Texas State
- 18 Technical College--Marshall, Texas State Technical
- 19 College--Sweetwater, or Texas State Technical College--Waco;
- 20           (17) [~~(18)~~] the Texas Higher Education Coordinating
- 21 Board;
- 22           (18) [~~(19)~~] the Texas Workforce Commission;
- 23           (19) [~~(20)~~] the State Banking Board;
- 24           (20) [~~(21)~~] the board of trustees of the Teacher
- 25 Retirement System of Texas;
- 26           (21) [~~(22)~~] the Credit Union Commission;
- 27           (22) [~~(23)~~] the School Land Board;



- 1           (23) [~~(24)~~] the board of the Texas Department of  
2 Housing and Community Affairs;
- 3           (24) [~~(25)~~] the Texas Racing Commission;
- 4           (25) [~~(26)~~] the State Board of Dental Examiners;
- 5           (26) [~~(27)~~] the Texas State Board of Medical  
6 Examiners;
- 7           (27) [~~(28)~~] the Board of Pardons and Paroles;
- 8           (28) [~~(29)~~] the Texas State Board of Pharmacy;
- 9           (29) [~~(30)~~] the Department of Information Resources  
10 governing board;
- 11           (30) [~~(31)~~] the Motor Vehicle Board;
- 12           (31) [~~(32)~~] the Texas Real Estate Commission;
- 13           (32) [~~(33)~~] the board of directors of the State Bar of  
14 Texas;
- 15           (33) [~~(34)~~] the bond review board;
- 16           (34) [~~(35)~~] the Texas Board of Health;
- 17           (35) [~~(36)~~] the Texas Board of Mental Health and  
18 Mental Retardation;
- 19           (36) [~~(37)~~] the Texas Board on Aging;
- 20           (37) [~~(38)~~] the Texas Board of Human Services;
- 21           (38) [~~(39)~~] the Texas Funeral Service Commission;
- 22           (39) [~~(40)~~] the board of directors of a river  
23 authority created under the Texas Constitution or a statute of this  
24 state; or
- 25           (40) [~~(41)~~] the Texas Lottery Commission.

26           SECTION 5.06. Section 659.301(5), Government Code, is  
27 amended to read as follows:

1           (5) "State employee" means an individual who:

2                   (A) is a commissioned law enforcement officer of  
3 the Department of Public Safety, [~~the General Services Commission,~~  
4 the Texas Alcoholic Beverage Commission, or the institutional  
5 division of the Texas Department of Criminal Justice;

6                   (B) is a commissioned security officer of the  
7 comptroller;

8                   (C) is a law enforcement officer commissioned by  
9 the Parks and Wildlife Commission;

10                  (D) is a commissioned peace officer of an  
11 institution of higher education;

12                  (E) is an employee or official of the Board of  
13 Pardons and Paroles or the pardons and paroles division of the Texas  
14 Department of Criminal Justice if the employee or official has  
15 routine direct contact with inmates of any penal or correctional  
16 institution or with administratively released prisoners subject to  
17 the board's jurisdiction;

18                  (F) has been certified to the Employees  
19 Retirement System of Texas under Section 815.505 as having begun  
20 employment as a law enforcement officer or custodial officer,  
21 unless the individual has been certified to the system as having  
22 ceased employment as a law enforcement officer or custodial  
23 officer; or

24                  (G) before May 29, 1987, received hazardous duty  
25 pay based on the terms of any state law if the individual holds a  
26 position designated under that law as eligible for the pay.

27           SECTION 5.07. Section 2101.0115(c), Government Code, is

1 amended to read as follows:

2 (c) A state agency's annual report must include:

3 (1) the name and job title of each bonded agency  
4 employee, the amount of the bond, and the name of the surety company  
5 that issued the bond;

6 (2) an analysis of space occupied by the agency,  
7 including:

8 (A) the total amount of space rented by the  
9 agency, expressed in square feet;

10 (B) the total amount of space occupied by the  
11 agency in state-owned buildings, expressed in square feet;

12 (C) the name and address of each building in  
13 which the agency occupies space and the amount of square feet in  
14 each building devoted to each particular use;

15 (D) the cost per square foot of all rented space;

16 (E) the annual and monthly cost of all rented  
17 space;

18 (F) the name of each lessor of space rented by the  
19 agency;

20 (G) a description of the agency's progress toward  
21 achieving the objective provided by Section 2165.104, if the agency  
22 is subject to that section; and

23 (H) any other information helpful to describe the  
24 agency's use of space;

25 (3) an itemization of all fees paid by the agency for  
26 professional or consulting services provided under Subchapter A or  
27 B, Chapter 2254, including the name of each person receiving those

1 fees and the reason for the provision of the services;

2 (4) an itemization of all fees paid by the agency for  
3 legal services, other than legal services provided by an agency  
4 employee or the attorney general, including the name of each person  
5 receiving those fees and the reason for the provision of the  
6 services;

7 (5) a copy of the form prepared by the agency under  
8 Section 2205.041, relating to the agency's use and cost of  
9 operating aircraft that are state-owned or under rental or  
10 long-term lease;

11 (6) an itemization of any purchases made under Section  
12 2155.067, including each product purchased, the amount of the  
13 purchase, and the name of the vendor;

14 (7) for each fiscal year ending in an even-numbered  
15 calendar year:

16 (A) a copy of the master file report verification  
17 form certified by the General Land Office, if applicable to the  
18 agency, to confirm that the agency is in compliance with Subchapter  
19 E, Chapter 31, Natural Resources Code; or

20 (B) if the agency's inventory record is  
21 inaccurate or incomplete, a statement that the agency will submit  
22 the appropriate forms to the General Land Office not later than the  
23 15th day after the date the agency submits its annual report;

24 (8) a copy of the report prepared by the agency under  
25 Section 2161.124, relating to the agency's use of historically  
26 underutilized businesses;

27 (9) a report of each transfer of appropriated money

1 between appropriation items that shows the sum of all transfers  
2 affecting each item;

3 (10) an itemization of each passenger vehicle the  
4 agency purchased, including the make, model, purchase price,  
5 assigned type of use, and fuel efficiency as expressed by the  
6 manufacturer's fuel efficiency rating;

7 (11) a schedule, applicable to state agencies  
8 determined by the Legislative Budget Board, detailing total  
9 expenditures by or on behalf of the agency for:

10 (A) employee benefits, including social  
11 security, health insurance, retirement contributions, benefit  
12 replacement pay, and workers' and unemployment compensation  
13 payments;

14 (B) bond debt service; and

15 (C) payments for general governmental services  
16 as defined by the comptroller, including services of the  
17 comptroller, the attorney general, the General Land Office,  
18 [~~Services Commission~~] the Department of Information Resources,  
19 and the state auditor;

20 (12) for an institution of higher education, the total  
21 amount of lump-sum vacation and compensatory leave payments made to  
22 employees who separated from state service during the fiscal year;

23 (13) the name and job title of each state officer or  
24 employee authorized to use a state-owned or state-leased vehicle  
25 and the reasons for the authorization, in accordance with Section  
26 2113.013; and

27 (14) a report of expenditures made for each commodity

1 or service identified under Section 2155.448, including:

2 (A) the total amount spent on those commodities  
3 and services;

4 (B) the total amount spent for commodities and  
5 services purchased that accomplish the same purpose; and

6 (C) the total amount spent for all other  
7 recycled, remanufactured, or environmentally sensitive commodities  
8 or services, itemized by type of commodity or service.

9 SECTION 5.08. Section 2155.203, Government Code, is amended  
10 to read as follows:

11 Sec. 2155.203. PURCHASES BY LEGISLATURE AND LEGISLATIVE  
12 AGENCIES. A house of the legislature, or an agency, council, or  
13 committee of the legislature, including the Legislative Budget  
14 Board, the Texas Legislative Council, the state auditor's office,  
15 and the Legislative Reference Library, may use the commission's  
16 purchasing services or the purchasing services of another state  
17 agency for purchasing goods and services, including items covered  
18 by Section 21, Article XVI, Texas Constitution. Use of the  
19 purchasing services of the commission or other state agency does  
20 not subject a legislative branch entity to a rule or statute or to a  
21 provision of a term contract, multiple award contract, or other  
22 contract that would otherwise require the entity to:

23 (1) sign an interagency agreement that would require  
24 the entity to disclose to a state agency the items purchased or the  
25 use of the items purchased; or

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

1 SECTION 5.09. Section 2203.001(b), Government Code, is  
2 amended to read as follows:

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

5 SECTION 5.10. Section 2254.024(b), Government Code, is  
6 amended to read as follows:

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

15 SECTION 5.11. Section 2254.039(b), Government Code, is  
16 amended to read as follows:

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

20 SECTION 5.12. Section 195.008(b), Local Government Code, is  
21 amended to read as follows:

22 (b) The committee consists of:

23 (1) the following persons appointed by the director  
24 and librarian:

25 (A) one person who is employed by or is an officer  
26 of a title insurance agent or title insurance company;

27 (B) an officer or employee of a federal

1 government-sponsored entity;

2 (C) a person who as a usual business practice  
3 obtains copies of recorded instruments from a county clerk to  
4 maintain an abstract or title plant; and

5 (D) a public representative;

6 (2) two persons who are county judges or county  
7 commissioners appointed by the County Judges and Commissioners  
8 Association of Texas;

9 (3) four county clerks appointed by the County and  
10 District Clerks' Association of Texas;

11 (4) three persons who are employed by or officers of  
12 different title insurance agents or companies appointed by the  
13 Texas Land Title Association;

14 (5) the presiding officer of the Title Insurance  
15 Subcommittee of the Real Estate, Probate, and Trust Law section of  
16 the State Bar of Texas or the functional equivalent of that  
17 subcommittee;

18 (6) the attorney general or a person designated by the  
19 attorney general;

20 (7) the comptroller or a person designated by the  
21 comptroller;

22 (8) ~~[the executive director of the General Services~~  
23 ~~Commission or a person designated by the executive director;~~

24 ~~[(9)]~~ the executive director of the Department of  
25 Information Resources or a person designated by the executive  
26 director; and

27 (9) ~~[(10)]~~ the director and librarian or a person



1 designated by the director and librarian, who also serves as  
2 presiding officer of the committee.

3 SECTION 5.13. Sections 31.157(b) and (c), Natural Resources  
4 Code, are amended to read as follows:

5 (b) ~~[The draft report shall be submitted to the Texas~~  
6 ~~Building and Procurement Commission, which shall further evaluate~~  
7 ~~the potential use of the real property by another state agency.]~~ The  
8 land office shall submit a draft report to each agency that owns or  
9 holds in trust property that is the subject of the draft report.  
10 ~~[The Texas Building and Procurement Commission may make additional~~  
11 ~~recommendations regarding the use of the real property.]~~ The state  
12 agency that owns or controls real property named in the report may  
13 comment on any findings or recommendations made by the  
14 commissioner. Any ~~[The Texas Building and Procurement Commission~~  
15 ~~and any]~~ state agency that owns or controls real property named in  
16 the report shall complete a review of the draft report within 60  
17 days of the receipt of the report and forward all recommendations  
18 and comments to the commissioner.

19 (c) The commissioner shall prepare and issue a final  
20 evaluation report that incorporates any recommendations ~~[of the~~  
21 ~~Texas Building and Procurement Commission]~~ regarding the potential  
22 use of the real property by another state agency and any comments  
23 from any state agency that owns or controls property named in the  
24 report.

25 ARTICLE 6. EFFECTIVE DATE

26 SECTION 6.01. This Act takes effect September 1, 2007.