

1-1 By: Swinford (Senate Sponsor - Janek) H.B. No. 3560  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 2007, read first time and referred to Committee on  
1-4 Government Organization; May 18, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 4,  
1-6 Nays 0; May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3560 By: Hegar

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

1-10 relating to transferring to the comptroller the duties of the Texas  
1-11 Building and Procurement Commission that do not primarily concern  
1-12 state facilities and renaming the commission the Texas Facilities  
1-13 Commission.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 ARTICLE 1. TRANSFER OF DUTIES TO COMPTROLLER

1-16 SECTION 1.01. Sections 2151.002, 2151.003, and 2151.004,  
1-17 Government Code, are amended to read as follows:

1-18 Sec. 2151.002. DEFINITION [~~DEFINITIONS~~]. Except as  
1-19 otherwise provided by this subtitle, in this subtitle, "state  
1-20 agency" [+

1-21 [~~(1) "Commission" means the Texas Building and  
1-22 Procurement Commission.~~

1-23 [~~(2) "State agency" means:~~

1-24 (1) [~~(A)~~] a department, commission, board, office, or  
1-25 other agency in the executive branch of state government created by  
1-26 the state constitution or a state statute;

1-27 (2) [~~(B)~~] the supreme court, the court of criminal  
1-28 appeals, a court of appeals, or the Texas Judicial Council; or

1-29 (3) [~~(C)~~] a university system or an institution of  
1-30 higher education as defined by Section 61.003, Education Code,  
1-31 except a public junior college.

1-32 Sec. 2151.003. REFERENCE. A statutory reference to the  
1-33 General Services Commission, the State Board of Control, [~~or~~] the  
1-34 State Purchasing and General Services Commission, or [~~means~~] the  
1-35 Texas Building and Procurement Commission means:

1-36 (1) the Texas Facilities Commission if the statutory  
1-37 reference concerns:

1-38 (A) charge and control of state buildings,  
1-39 grounds, or property;

1-40 (B) maintenance or repair of state buildings,  
1-41 grounds, or property;

1-42 (C) construction of a state building;

1-43 (D) purchase or lease of state buildings,  
1-44 grounds, or property by or for the state;

1-45 (E) child care services for state employees under  
1-46 Chapter 663; or

1-47 (F) surplus and salvage property; and

1-48 (2) the comptroller in all other circumstances, except  
1-49 as otherwise provided by law.

1-50 Sec. 2151.004. TRANSFER AND ALLOCATION OF POWERS AND DUTIES  
1-51 [~~TO DEPARTMENT OF INFORMATION RESOURCES~~]. (a) The powers and  
1-52 duties of the former General Services Commission under Chapter 2170  
1-53 or other law relating to providing telecommunications services for  
1-54 state government are transferred to the Department of Information  
1-55 Resources.

1-56 (b) A reference in law to the General Services Commission  
1-57 that relates to the powers and duties of the former General Services  
1-58 Commission under Chapter 2170 or other law relating to providing  
1-59 telecommunications services for state government is a reference to  
1-60 the Department of Information Resources.

1-61 (c) The Texas Facilities Commission retains the powers and  
1-62 duties of the former Texas Building and Procurement Commission  
1-63 relating to charge and control of state buildings, grounds, or

2-1 property, maintenance or repair of state buildings, grounds, or  
2-2 property, child care services for state employees under Chapter  
2-3 663, surplus and salvage property, construction of a state  
2-4 building, or purchase or lease of state buildings, grounds, or  
2-5 property by or for the state.

2-6 (d) Except as provided by Subsection (a) or (c) or other  
2-7 law, all other powers and duties of the Texas Building and  
2-8 Procurement Commission are transferred to the comptroller.

2-9 SECTION 1.02. Chapter 2151, Government Code, is amended by  
2-10 adding Section 2151.0041 to read as follows:

2-11 Sec. 2151.0041. SUNSET PROVISION. (a) The transfer of  
2-12 powers and duties to the comptroller under Section 2151.004(d) and  
2-13 under House Bill 3560, Acts of the 80th Legislature, Regular  
2-14 Session, 2007, is subject to Chapter 325 (Texas Sunset Act).

2-15 (b) The Sunset Advisory Commission shall evaluate the  
2-16 transfer of powers and duties to the comptroller under Section  
2-17 2151.004(d) and under House Bill 3560, Acts of the 80th  
2-18 Legislature, Regular Session, 2007, and present to the 82nd  
2-19 Legislature a report on its evaluation and recommendations in  
2-20 relation to the transfer. The comptroller shall perform all duties  
2-21 in relation to the evaluation that a state agency subject to review  
2-22 under Chapter 325 would perform in relation to a review.

2-23 (c) Unless otherwise provided by the legislature by law, on  
2-24 September 1, 2011:

2-25 (1) the powers and duties transferred to the  
2-26 comptroller under Section 2151.004(d) and under House Bill 3560,  
2-27 Acts of the 80th Legislature, Regular Session, 2007, are  
2-28 transferred to the Texas Facilities Commission;

2-29 (2) a reference in law to the comptroller relating to a  
2-30 power or duty transferred under this subsection means the Texas  
2-31 Facilities Commission;

2-32 (3) a rule or form adopted by the comptroller relating  
2-33 to a power or duty transferred under this subsection is a rule or  
2-34 form of the Texas Facilities Commission and remains in effect until  
2-35 altered by the commission;

2-36 (4) all obligations, contracts, proceedings, cases,  
2-37 negotiations, funds, and employees of the comptroller relating to a  
2-38 power or duty transferred under this subsection are transferred to  
2-39 the Texas Facilities Commission;

2-40 (5) all property and records in the custody of the  
2-41 comptroller relating to a power or duty transferred under this  
2-42 subsection and all funds appropriated by the legislature for  
2-43 purposes related to a power or duty transferred under this  
2-44 subsection are transferred to the Texas Facilities Commission; and

2-45 (6) Section 122.0011, Human Resources Code, and the  
2-46 following provisions of the Government Code expire:

- 2-47 (A) Sections 2151.004(c) and (d);
- 2-48 (B) Section 2155.0011;
- 2-49 (C) Section 2155.086;
- 2-50 (D) Section 2155.087;
- 2-51 (E) Section 2156.0011;
- 2-52 (F) Section 2157.0011;
- 2-53 (G) Section 2158.0011;
- 2-54 (H) Section 2161.0011;
- 2-55 (I) Section 2163.0011;
- 2-56 (J) Section 2170.0011;
- 2-57 (K) Section 2171.0011;
- 2-58 (L) Section 2172.0011;
- 2-59 (M) Section 2176.0011;
- 2-60 (N) Section 2177.0011; and
- 2-61 (O) Section 2262.0011.

2-62 SECTION 1.03. The heading to Chapter 2152, Government Code,  
2-63 is amended to read as follows:

2-64 CHAPTER 2152. TEXAS FACILITIES [~~BUILDING AND PROCUREMENT~~]  
2-65 COMMISSION

2-66 SECTION 1.04. Section 2152.001, Government Code, is amended  
2-67 to read as follows:

2-68 Sec. 2152.001. COMMISSION. The Texas Facilities [~~Building~~  
2-69 ~~and Procurement~~] Commission is an agency of the state.

3-1 SECTION 1.05. Subchapter A, Chapter 2152, Government Code,  
3-2 is amended by adding Section 2152.0011 to read as follows:

3-3 Sec. 2152.0011. TEXAS FACILITIES COMMISSION; DEFINITION.  
3-4 (a) The Texas Building and Procurement Commission is renamed the  
3-5 Texas Facilities Commission.

3-6 (b) In this chapter, "commission" or "Texas Building and  
3-7 Procurement Commission" means the Texas Facilities Commission.

3-8 SECTION 1.06. Subchapter A, Chapter 2155, Government Code,  
3-9 is amended by adding Sections 2155.0011 and 2155.0012 to read as  
3-10 follows:

3-11 Sec. 2155.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
3-12 powers and duties of the commission under this chapter are  
3-13 transferred to the comptroller.

3-14 (b) In this chapter, a reference to the commission means the  
3-15 comptroller.

3-16 Sec. 2155.0012. AUTHORITY TO ADOPT RULES. The comptroller  
3-17 may adopt rules to efficiently and effectively administer this  
3-18 chapter. Before adopting a rule under this section, the  
3-19 comptroller must conduct a public hearing regarding the proposed  
3-20 rule regardless of whether the requirements of Section 2001.029(b)  
3-21 are met.

3-22 SECTION 1.07. Section 2155.003, Government Code, is amended  
3-23 to read as follows:

3-24 Sec. 2155.003. CONFLICT OF INTEREST. (a) The chief clerk  
3-25 or any other [A commission member,] employee of the comptroller [  
3-26 or appointee] may not:

3-27 (1) have an interest in, or in any manner be connected  
3-28 with, a contract or bid for a purchase of goods or services by an  
3-29 agency of the state; or

3-30 (2) in any manner, including by rebate or gift, accept  
3-31 or receive from a person to whom a contract may be awarded, directly  
3-32 or indirectly, anything of value or a promise, obligation, or  
3-33 contract for future reward or compensation.

3-34 (b) The chief clerk or any other [A commission member,]  
3-35 employee of the comptroller [~~or appointee~~] who violates  
3-36 Subsection (a)(2) is subject to dismissal.

3-37 (c) In consultation with the comptroller, the Texas Ethics  
3-38 Commission shall adopt rules to implement this section.

3-39 (d) The Texas Ethics Commission shall administer and  
3-40 enforce this section and may prepare written opinions regarding  
3-41 this section in accordance with Subchapter D, Chapter 571.

3-42 (e) The comptroller must report to the Texas Ethics  
3-43 Commission a campaign contribution from a vendor that bids on or  
3-44 receives a contract under the comptroller's purchasing authority.

3-45 SECTION 1.08. Subchapter B, Chapter 2155, Government Code,  
3-46 is amended by adding Sections 2155.086 and 2155.087 to read as  
3-47 follows:

3-48 Sec. 2155.086. PROCEDURES FOR AWARDING CERTAIN CONTRACTS.

3-49 (a) In this section and in Section 2155.087, "chief clerk" means the  
3-50 chief clerk of the comptroller or the chief clerk's designee.

3-51 (b) This section applies only to the award of a contract by  
3-52 the comptroller that:

3-53 (1) relates to the powers and duties transferred to  
3-54 the comptroller under Section 2151.004(d);

3-55 (2) is reasonably expected by the comptroller at the  
3-56 time of the award to have a value of \$100,000 or more over the life  
3-57 of the contract; and

3-58 (3) is evaluated based wholly or partly on best value  
3-59 factors other than cost.

3-60 (c) This section does not apply to:

3-61 (1) any part of the contracting process other than the  
3-62 award, including planning, budgeting, solicitation, pre-response  
3-63 conference, respondent presentation, evaluation, development of  
3-64 staff or evaluation committee recommendations, negotiation, and  
3-65 signature;

3-66 (2) a renewal, extension, or amendment of a contract  
3-67 provided for in the written solicitation for the original contract;  
3-68 or

3-69 (3) an emergency purchase or other contract award for

4-1 which delay would create a hazard to life, health, safety, welfare,  
 4-2 or property or would cause undue additional cost to the state.

4-3 (d) A contract to which this section applies must be awarded  
 4-4 in a public meeting chaired and conducted by the chief clerk. The  
 4-5 chief clerk shall determine the time and location for the meeting.  
 4-6 The meeting must comply with applicable provisions of Chapter 551,  
 4-7 including requirements relating to posting notice of the meeting.  
 4-8 The comptroller shall also post notice of the meeting on the  
 4-9 comptroller's website and in the state business daily. The office  
 4-10 of the attorney general shall advise the comptroller on the  
 4-11 applicable provisions of Chapter 551.

4-12 (e) Before the meeting, the chief clerk may review any  
 4-13 written recommendations for the proposed contract award submitted  
 4-14 by the comptroller's staff or by an evaluation committee  
 4-15 established by the comptroller for the proposed contract. The chief  
 4-16 clerk shall make the staff's or committee's final written  
 4-17 recommendations available to the public at the meeting.

4-18 (f) A contract awarded by the chief clerk under this section  
 4-19 is not considered final and does not bind the state until all  
 4-20 negotiations are completed, if applicable, and all parties to the  
 4-21 contract have signed the final contract.

4-22 (g) The comptroller shall post notice of a contract award  
 4-23 made in an open meeting under this section on the comptroller's  
 4-24 website and in the state business daily.

4-25 (h) The comptroller shall post the text of a contract  
 4-26 awarded in an open meeting under this section on the comptroller's  
 4-27 website and in the state business daily, except for information in a  
 4-28 contract that is not subject to disclosure under Chapter 552.  
 4-29 Information that is not subject to disclosure under Chapter 552  
 4-30 must be referenced in an appendix that generally describes the  
 4-31 information without disclosing the specific content of the  
 4-32 information.

4-33 Sec. 2155.087. STATEWIDE PROCUREMENT ADVISORY COUNCIL. (a)  
 4-34 In this section, "council" means the Statewide Procurement Advisory  
 4-35 Council.

4-36 (b) The Statewide Procurement Advisory Council consists of  
 4-37 the following four members or their designees:

- 4-38 (1) one member appointed by the governor;  
 4-39 (2) one member appointed by the Texas Facilities  
 4-40 Commission;  
 4-41 (3) one member appointed by the Department of  
 4-42 Information Resources; and  
 4-43 (4) one member appointed by the Legislative Budget  
 4-44 Board.

4-45 (c) The comptroller shall adopt rules describing the  
 4-46 purpose and tasks of the council as provided by Section 2110.005.  
 4-47 Before adopting a rule under this subsection, the comptroller must  
 4-48 conduct a public hearing regarding the proposed rule regardless of  
 4-49 whether the requirements of Section 2001.029(b) are met.

4-50 (d) A quorum of the council shall attend each meeting under  
 4-51 Section 2155.086 in which the chief clerk awards a contract. In the  
 4-52 meeting, the council shall make recommendations to and advise the  
 4-53 chief clerk in a manner consistent with the established purpose and  
 4-54 tasks of the council.

4-55 SECTION 1.09. Section 2155.144(k), Government Code, is  
 4-56 amended to read as follows:

4-57 (k) Subject to Section 531.0055(c), the Health and Human  
 4-58 Services Commission, in cooperation with the comptroller, shall  
 4-59 establish a central contract management database that identifies  
 4-60 each contract made with a health and human services agency. The  
 4-61 comptroller [~~commission~~] may use the database to monitor health and  
 4-62 human services agency contracts, and health and human services  
 4-63 agencies may use the database in contracting. A state agency shall  
 4-64 send to the comptroller [~~commission~~] in the manner prescribed by  
 4-65 the comptroller [~~commission~~] the information the agency possesses  
 4-66 that the comptroller [~~commission~~] requires for inclusion in the  
 4-67 database.

4-68 SECTION 1.10. Section 2155.322(b), Government Code, is  
 4-69 amended to read as follows:

5-1 (b) If state law requires that a payment for the goods or  
 5-2 services be made on a warrant drawn or an electronic funds transfer  
 5-3 initiated by the comptroller or a state agency with delegated  
 5-4 authority under Section 403.060, promptly after the later of the  
 5-5 receipt of the invoice or the receipt of the goods or services, the  
 5-6 agency shall send to the comptroller the certification, together  
 5-7 with the financial information and purchase information provided by  
 5-8 the invoice and purchase voucher, on a form or in the manner  
 5-9 prescribed ~~[agreed to]~~ by the comptroller ~~[and the commission]~~.

5-10 SECTION 1.11. Section 2155.323(b), Government Code, is  
 5-11 amended to read as follows:

5-12 (b) If the comptroller approves the financial information,  
 5-13 the comptroller shall determine whether ~~[commission rules require~~  
 5-14 ~~the commission to audit]~~ the purchase information should also be  
 5-15 audited under Section 2155.324. ~~[If a commission audit is~~  
 5-16 ~~required, the comptroller shall promptly send the certification and~~  
 5-17 ~~purchase information to the commission using the method and format~~  
 5-18 ~~agreed to by the comptroller and the commission.]~~

5-19 SECTION 1.12. Section 2155.324, Government Code, is amended  
 5-20 to read as follows:

5-21 Sec. 2155.324. PURCHASE ~~[COMMISSION]~~ AUDIT. (a) When ~~[Not~~  
 5-22 ~~later than the eighth day after the date the commission receives the~~  
 5-23 ~~certification and purchase information required by this subchapter~~  
 5-24 ~~from]~~ the comptroller considers a purchase audit to be advisable,  
 5-25 the comptroller ~~[, the commission]~~ shall audit the purchase  
 5-26 information for compliance with applicable purchasing statutes and  
 5-27 [commission] rules.

5-28 (b) The comptroller ~~[commission]~~ may determine the auditing  
 5-29 method used under this section, including stratified or statistical  
 5-30 sampling techniques.

5-31 ~~[(c) The commission shall notify the comptroller of the~~  
 5-32 ~~results of the commission's audit, using the method and format~~  
 5-33 ~~agreed to by the commission and the comptroller.]~~

5-34 SECTION 1.13. Section 2155.325, Government Code, is amended  
 5-35 to read as follows:

5-36 Sec. 2155.325. PURCHASE ~~[COMMISSION]~~ AUDIT AFTER ISSUANCE  
 5-37 OF WARRANT. (a) The comptroller ~~[commission]~~ may audit purchase  
 5-38 information after a warrant has been issued if the audit will  
 5-39 expedite the payment process.

5-40 (b) For audits under this section, the comptroller  
 5-41 ~~[commission]~~ by rule shall:

5-42 (1) determine the types of purchases that will be  
 5-43 audited after a warrant is issued; and

5-44 (2) specify the purchase information that a state  
 5-45 agency must send to the comptroller ~~[or the commission]~~ before a  
 5-46 warrant is issued.

5-47 ~~[(c) For purchases audited after a warrant is issued, the~~  
 5-48 ~~comptroller shall send the certification and purchase information~~  
 5-49 ~~received by the comptroller under Section 2155.322(b) to the~~  
 5-50 ~~commission under commission rules.]~~

5-51 SECTION 1.14. Section 2155.326, Government Code, is amended  
 5-52 to read as follows:

5-53 Sec. 2155.326. AUDIT BY STATE AUDITOR ~~[UPDATE OF COMMISSION~~  
 5-54 ~~FILES AND RECORDS]~~. Transactions, processes, and the performance  
 5-55 of functions under this chapter and Chapters 2156, 2157, and 2158  
 5-56 are subject to audit by the state auditor under Chapter 321. ~~[To~~  
 5-57 ~~enable the commission to update periodically computer records and~~  
 5-58 ~~close purchase order files, the comptroller shall, on request,~~  
 5-59 ~~furnish the commission with information detailing all vouchers paid~~  
 5-60 ~~under this subchapter and Section 2155.132.]~~

5-61 SECTION 1.15. Section 2155.381, Government Code, is amended  
 5-62 to read as follows:

5-63 Sec. 2155.381. INVOICE. (a) The contractor or seller of  
 5-64 goods or services contracted for by the comptroller ~~[commission]~~  
 5-65 shall submit an invoice to the ordering agency at the address shown  
 5-66 on the purchase order.

5-67 (b) The invoice shall be prepared and submitted as provided  
 5-68 by ~~[commission]~~ rule of the comptroller.

5-69 SECTION 1.16. Section 2155.382(a), Government Code, is

6-1 amended to read as follows:

6-2 (a) After the comptroller approves [~~and the commission have~~  
6-3 ~~approved~~] financial information and purchase information, when  
6-4 advance approval of that information is required by [~~commission~~]  
6-5 rule of the comptroller, the comptroller shall draw a warrant on the  
6-6 state treasury for:

6-7 (1) the amount due on the invoice; or

6-8 (2) the amount on the invoice that has been allowed.

6-9 SECTION 1.17. Section 2155.503, Government Code, is amended  
6-10 to read as follows:

6-11 Sec. 2155.503. RULES. (a) The comptroller [~~commission~~]  
6-12 and the department shall adopt rules to implement this subchapter.  
6-13 The rules must:

6-14 (1) establish standard terms for contracts listed on a  
6-15 schedule; and

6-16 (2) maintain consistency with existing purchasing  
6-17 standards.

6-18 (b) The comptroller [~~commission~~] and the department shall  
6-19 consult with the attorney general [~~and the comptroller~~] in  
6-20 developing rules under this section.

6-21 SECTION 1.18. Subchapter A, Chapter 2156, Government Code,  
6-22 is amended by adding Sections 2156.0011 and 2156.0012 to read as  
6-23 follows:

6-24 Sec. 2156.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
6-25 powers and duties of the commission under this chapter are  
6-26 transferred to the comptroller.

6-27 (b) In this chapter, a reference to the commission means the  
6-28 comptroller.

6-29 Sec. 2156.0012. AUTHORITY TO ADOPT RULES. The comptroller  
6-30 may adopt rules to efficiently and effectively administer this  
6-31 chapter. Before adopting a rule under this section, the  
6-32 comptroller must conduct a public hearing regarding the proposed  
6-33 rule regardless of whether the requirements of Section 2001.029(b)  
6-34 are met.

6-35 SECTION 1.19. Subchapter A, Chapter 2157, Government Code,  
6-36 is amended by adding Sections 2157.0011 and 2157.0012 to read as  
6-37 follows:

6-38 Sec. 2157.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
6-39 powers and duties of the commission under this chapter are  
6-40 transferred to the comptroller.

6-41 (b) In this chapter, a reference to the commission means the  
6-42 comptroller.

6-43 Sec. 2157.0012. AUTHORITY TO ADOPT RULES. The comptroller  
6-44 may adopt rules to efficiently and effectively administer this  
6-45 chapter. Before adopting a rule under this section, the  
6-46 comptroller must conduct a public hearing regarding the proposed  
6-47 rule regardless of whether the requirements of Section 2001.029(b)  
6-48 are met.

6-49 SECTION 1.20. Subchapter A, Chapter 2158, Government Code,  
6-50 is amended by adding Sections 2158.0011 and 2158.0012 to read as  
6-51 follows:

6-52 Sec. 2158.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
6-53 powers and duties of the commission under this chapter are  
6-54 transferred to the comptroller.

6-55 (b) In this chapter, a reference to the commission means the  
6-56 comptroller.

6-57 Sec. 2158.0012. AUTHORITY TO ADOPT RULES. The comptroller  
6-58 may adopt rules to efficiently and effectively administer this  
6-59 chapter. Before adopting a rule under this section, the  
6-60 comptroller must conduct a public hearing regarding the proposed  
6-61 rule regardless of whether the requirements of Section 2001.029(b)  
6-62 are met.

6-63 SECTION 1.21. Subchapter A, Chapter 2161, Government Code,  
6-64 is amended by adding Sections 2161.0011 and 2161.0012 to read as  
6-65 follows:

6-66 Sec. 2161.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
6-67 powers and duties of the commission under this chapter are  
6-68 transferred to the comptroller.

6-69 (b) In this chapter, a reference to the commission means the

7-1 comptroller.  
 7-2 Sec. 2161.0012. AUTHORITY TO ADOPT RULES. (a) The  
 7-3 comptroller may adopt rules to efficiently and effectively  
 7-4 administer this chapter. Before adopting a rule under this  
 7-5 section, the comptroller must conduct a public hearing regarding  
 7-6 the proposed rule regardless of whether the requirements of Section  
 7-7 2001.029(b) are met.

7-8 (b) The comptroller shall follow the procedures prescribed  
 7-9 by Subchapter B, Chapter 2001, when adopting a new rule or a change  
 7-10 to an existing rule that relates to historically underutilized  
 7-11 businesses.

7-12 SECTION 1.22. Section 2161.061, Government Code, is amended  
 7-13 by adding Subsection (e) to read as follows:

7-14 (e) A local government or a nonprofit organization that  
 7-15 certifies historically underutilized businesses under Subsection  
 7-16 (c) or that conducts a certification program described by and  
 7-17 approved under Subsection (b) shall make available to the public an  
 7-18 online searchable database containing information about  
 7-19 historically underutilized businesses, minority business  
 7-20 enterprises, women's business enterprises, and disadvantaged  
 7-21 business enterprises certified by the local government or nonprofit  
 7-22 organization, including:

- 7-23 (1) the name of the business;
- 7-24 (2) the contact person or owner of the business;
- 7-25 (3) the address and telephone number of the business;
- 7-26 (4) the type or category of business, including  
 7-27 relevant capabilities of the business and the North American  
 7-28 Industry Classification System codes for the business; and
- 7-29 (5) the expiration date of the business's  
 7-30 certification.

7-31 SECTION 1.23. Sections 2161.123(d) and (e), Government  
 7-32 Code, are amended to read as follows:

7-33 (d) The commission and the state auditor shall cooperate to  
 7-34 develop procedures providing for random periodic monitoring of  
 7-35 state agency compliance with this section. The state auditor shall  
 7-36 report to the commission a state agency that is not complying with  
 7-37 this section. In determining whether a state agency is making a  
 7-38 good faith effort to comply, the state auditor shall consider  
 7-39 whether the agency:

- 7-40 (1) has adopted rules under Section 2161.003;
- 7-41 (2) has used the commission's directory under Section  
 7-42 2161.064 and other resources to identify historically  
 7-43 underutilized businesses that are able and available to contract  
 7-44 with the agency;
- 7-45 (3) made good faith, timely efforts to contact  
 7-46 identified historically underutilized businesses regarding  
 7-47 contracting opportunities; ~~and~~
- 7-48 (4) conducted its procurement program in accordance  
 7-49 with the good faith effort methodology set out in commission rules;  
 7-50 and
- 7-51 (5) established goals for contracting with  
 7-52 historically underutilized businesses in each procurement category  
 7-53 based on:

- 7-54 (A) scheduled fiscal year expenditures; and
- 7-55 (B) the availability of historically  
 7-56 underutilized businesses in each category as determined by rules  
 7-57 adopted under Section 2161.002.

7-58 (e) In conducting an audit of an agency's compliance with  
 7-59 this section or an agency's making of a good faith effort to  
 7-60 implement the plan adopted under this section, the state auditor  
 7-61 shall ~~not~~ consider the success or failure of the agency to  
 7-62 contract with historically underutilized businesses in accordance  
 7-63 with the agency's goals described by Subsection (d)(5) ~~[in any~~  
 7-64 specific quantity. The state auditor's review shall be restricted  
 7-65 to the agency's procedural compliance with Subsection (d)].

7-66 SECTION 1.24. Section 2161.125, Government Code, is amended  
 7-67 to read as follows:

7-68 Sec. 2161.125. CATEGORIZATION BY SEX, RACE, AND ETHNICITY.  
 7-69 The comptroller ~~[commission]~~, in cooperation with ~~[the comptroller~~

8-1 ~~and~~] each state agency reporting under this subchapter, shall  
 8-2 categorize each historically underutilized business included in a  
 8-3 report under this subchapter by sex, race, and ethnicity.

8-4 SECTION 1.25. Section 2161.127, Government Code, is amended  
 8-5 to read as follows:

8-6 Sec. 2161.127. LEGISLATIVE APPROPRIATIONS REQUESTS. (a)  
 8-7 Each state agency must include as part of its legislative  
 8-8 appropriations request a detailed report for consideration by the  
 8-9 budget committees of the legislature that shows the extent to which  
 8-10 the agency complied with this chapter and rules of the commission  
 8-11 adopted under this chapter during the two calendar years preceding  
 8-12 the calendar year in which the request is submitted. To the extent  
 8-13 the state agency did not comply, the report must demonstrate the  
 8-14 reasons for that fact. The extent to which a state agency complies  
 8-15 with this chapter and rules of the commission adopted under this  
 8-16 chapter is considered a performance measure for purposes of the  
 8-17 appropriations process.

8-18 (b) The report under Subsection (a) must include:

8-19 (1) the agency's goals established under Section  
 8-20 2161.123(d)(5) for contracting with historically underutilized  
 8-21 businesses during the two calendar years preceding the calendar  
 8-22 year in which the request is submitted;

8-23 (2) a statement regarding whether the goals  
 8-24 established under Section 2161.123(d)(5) were met during the two  
 8-25 calendar years preceding the calendar year in which the request is  
 8-26 submitted; and

8-27 (3) if the goals established under Section  
 8-28 2161.123(d)(5) were not met during the two calendar years preceding  
 8-29 the calendar year in which the request is submitted:

8-30 (A) a statement of the percentage by which the  
 8-31 agency's actual use of historically underutilized businesses  
 8-32 deviated from the agency's goals; and

8-33 (B) an explanation of why the goals were not met.

8-34 SECTION 1.26. Section 2162.051(a), Government Code, is  
 8-35 amended to read as follows:

8-36 (a) The State Council on Competitive Government consists of  
 8-37 the following individuals or the individuals they designate:

8-38 (1) the governor;  
 8-39 (2) the lieutenant governor;  
 8-40 (3) the comptroller;  
 8-41 (4) the speaker of the house of representatives;  
 8-42 (5) the ~~commission's~~ presiding officer of the Texas  
 8-43 Facilities Commission; ~~and~~

8-44 (6) the commissioner of the Texas Workforce Commission  
 8-45 representing labor; and

8-46 (7) the land commissioner.

8-47 SECTION 1.27. Subchapter B, Chapter 2162, Government Code,  
 8-48 is amended by adding Section 2162.053 to read as follows:

8-49 Sec. 2162.053. ADMINISTRATION BY COMPTROLLER. (a) The  
 8-50 comptroller shall provide offices for the council and shall provide  
 8-51 the council with legal, technical, administrative, and other  
 8-52 support necessary to carry out its powers and duties.

8-53 (b) Any administrative powers or duties of the Texas  
 8-54 Building and Procurement Commission with respect to the council are  
 8-55 transferred to the comptroller.

8-56 SECTION 1.28. Section 2162.102(c), Government Code, is  
 8-57 amended to read as follows:

8-58 (c) In performing its duties under this chapter, the council  
 8-59 may:

8-60 (1) require a state agency to conduct a hearing,  
 8-61 study, review, or cost estimate, including an agency in-house cost  
 8-62 estimate or a management study, concerning any aspect of a service  
 8-63 identified under Subsection (a);

8-64 (2) develop and require state agencies to use methods  
 8-65 to accurately and fairly estimate and account for the cost of  
 8-66 providing a service identified under Subsection (a);

8-67 (3) require that a service identified under Subsection  
 8-68 (a) be submitted to competitive bidding or another process that  
 8-69 creates competition with private commercial sources;



9-1 (4) prescribe, after consulting affected state  
 9-2 agencies, the specifications and conditions of purchase procedures  
 9-3 that must be followed by the comptroller [~~commission~~] and a state  
 9-4 agency or a private commercial source engaged in competitive  
 9-5 bidding to provide a service identified under Subsection (a);

9-6 (5) award a contract to a state agency providing the  
 9-7 service, another state agency, a private commercial source, or a  
 9-8 combination of those entities, if the bidder presents the best and  
 9-9 most reasonable bid, which is not necessarily the lowest bid; and

9-10 (6) determine the terms of a contract for service or  
 9-11 interagency contract to provide a service identified under  
 9-12 Subsection (a).

9-13 SECTION 1.29. Chapter 2163, Government Code, is amended by  
 9-14 adding Sections 2163.0011 and 2163.0012 to read as follows:

9-15 Sec. 2163.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
 9-16 powers and duties of the commission under this chapter are  
 9-17 transferred to the comptroller.

9-18 (b) In this chapter, a reference to the commission means the  
 9-19 comptroller.

9-20 Sec. 2163.0012. AUTHORITY TO ADOPT RULES. The comptroller  
 9-21 may adopt rules to efficiently and effectively administer this  
 9-22 chapter. Before adopting a rule under this section, the  
 9-23 comptroller must conduct a public hearing regarding the proposed  
 9-24 rule regardless of whether the requirements of Section 2001.029(b)  
 9-25 are met.

9-26 SECTION 1.30. Subchapter A, Chapter 2165, Government Code,  
 9-27 is amended by adding Sections 2165.0011 and 2165.0012 to read as  
 9-28 follows:

9-29 Sec. 2165.0011. DEFINITION. In this chapter, "commission"  
 9-30 means the Texas Facilities Commission.

9-31 Sec. 2165.0012. AUTHORITY TO ADOPT RULES. The commission  
 9-32 may adopt rules to efficiently and effectively administer this  
 9-33 chapter.

9-34 SECTION 1.31. Section 2166.001, Government Code, is amended  
 9-35 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
 9-36 follows:

9-37 (1) "Commission" means the Texas Facilities  
 9-38 Commission.

9-39 (1-a) "Construction" includes acquisition and  
 9-40 reconstruction.

9-41 SECTION 1.32. Subchapter A, Chapter 2167, Government Code,  
 9-42 is amended by adding Section 2167.0011 to read as follows:

9-43 Sec. 2167.0011. DEFINITION. In this chapter, "commission"  
 9-44 means the Texas Facilities Commission.

9-45 SECTION 1.33. Subchapter A, Chapter 2170, Government Code,  
 9-46 is amended by adding Sections 2170.0011 and 2170.0012 to read as  
 9-47 follows:

9-48 Sec. 2170.0011. TRANSFER OF DUTIES; REFERENCE. (a) Any  
 9-49 remaining powers and duties of the commission under this chapter  
 9-50 are transferred to the comptroller.

9-51 (b) Subject to Section 2151.004(b), in this chapter a  
 9-52 reference to the commission means the comptroller.

9-53 Sec. 2170.0012. AUTHORITY TO ADOPT RULES. The comptroller  
 9-54 may adopt rules to efficiently and effectively administer the  
 9-55 comptroller's powers and duties under this chapter. Before  
 9-56 adopting a rule under this section, the comptroller must conduct a  
 9-57 public hearing regarding the proposed rule regardless of whether  
 9-58 the requirements of Section 2001.029(b) are met.

9-59 SECTION 1.34. Subchapter A, Chapter 2171, Government Code,  
 9-60 is amended by adding Section 2171.0011 to read as follows:

9-61 Sec. 2171.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
 9-62 powers and duties of the commission under this chapter are  
 9-63 transferred to the comptroller.

9-64 (b) In this chapter, a reference to the commission means the  
 9-65 comptroller.

9-66 SECTION 1.35. Section 2171.002, Government Code, is amended  
 9-67 to read as follows:

9-68 Sec. 2171.002. RULES. (a) The comptroller [~~commission~~]  
 9-69 shall adopt rules to implement this chapter, including rules

related to:

(1) the structure of the comptroller's ~~[commission's]~~ travel agency contracts;

(2) the procedures the comptroller ~~[commission]~~ uses in requesting and evaluating bids or proposals for travel agency contracts; and

(3) the use by state agencies of negotiated contract rates for travel services.

(b) Before adopting a rule under this section, the comptroller must conduct a public hearing regarding the proposed rule regardless of whether the requirements of Section 2001.029(b) are met.

SECTION 1.36. Section 2171.056(e), Government Code, is amended to read as follows:

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

SECTION 1.37. Chapter 2172, Government Code, is amended by adding Sections 2172.0011 and 2172.0012 to read as follows:

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

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

Sec. 2172.0012. AUTHORITY TO ADOPT RULES. The comptroller may adopt rules to efficiently and effectively administer this chapter. Before adopting a rule under this section, the comptroller must conduct a public hearing regarding the proposed rule regardless of whether the requirements of Section 2001.029(b) are met.

SECTION 1.38. Section 2175.001, Government Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Commission" means the Texas Facilities Commission.

SECTION 1.39. Subchapter A, Chapter 2176, Government Code, is amended by adding Section 2176.0011 to read as follows:

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

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

SECTION 1.40. Section 2176.053, Government Code, is amended to read as follows:

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

SECTION 1.41. Section 2176.110, Government Code, is amended to read as follows:

Sec. 2176.110. RULES. The comptroller ~~[commission]~~ shall adopt rules for state agencies to implement this chapter ~~[subchapter]. Before adopting a rule under this section, the comptroller must conduct a public hearing regarding the proposed rule regardless of whether the requirements of Section 2001.029(b) are met.~~

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

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

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

Sec. 2177.0012. AUTHORITY TO ADOPT RULES. The comptroller may adopt rules to efficiently and effectively administer this chapter. Before adopting a rule under this section, the comptroller must conduct a public hearing regarding the proposed rule regardless of whether the requirements of Section 2001.029(b)

11-1 are met.

11-2 SECTION 1.43. Section 22.008(d), Government Code, is  
11-3 amended to read as follows:

11-4 (d) The reporter shall return the record, with briefs and  
11-5 opinions, to the clerk when the report is completed and from time to  
11-6 time shall deliver the reports to the comptroller [~~State Purchasing  
11-7 and General Services Commission~~] for publication. Each volume  
11-8 shall be copyrighted in the name of the reporter, who immediately on  
11-9 delivery of the edition shall transfer and assign it to the state.  
11-10 The edition shall be electrotyped. The state owns the plates, and  
11-11 the comptroller [~~State Purchasing and General Services Commission~~]  
11-12 shall preserve them.

11-13 SECTION 1.44. Section 325.017(e), Government Code, is  
11-14 amended to read as follows:

11-15 (e) Unless the governor designates an appropriate state  
11-16 agency as prescribed by Subsection (f), property and records in the  
11-17 custody of an abolished state agency or advisory committee on  
11-18 September 1 of the even-numbered year after abolishment shall be  
11-19 transferred to the comptroller [~~State Purchasing and General  
11-20 Services Commission~~]. If the governor designates an appropriate  
11-21 state agency, the property and records shall be transferred to the  
11-22 designated state agency.

11-23 SECTION 1.45. Section 403.251, Government Code, is amended  
11-24 to read as follows:

11-25 Sec. 403.251. ADDITIONAL DUTIES OF COMPTROLLER  
11-26 [~~COMMISSION~~]. The comptroller [~~commission~~] shall treat  
11-27 documentation submitted [~~to the commission~~] by a state agency as  
11-28 part of the procedure for replenishing a petty cash account as a  
11-29 proposed expenditure of appropriated funds. The comptroller  
11-30 [~~commission~~] shall follow its usual procedures for reviewing  
11-31 purchases. The comptroller [~~commission~~] shall give the agency a  
11-32 written approval or disapproval of each disbursement from the petty  
11-33 cash account.

11-34 SECTION 1.46. Section 441.106, Government Code, is amended  
11-35 to read as follows:

11-36 Sec. 441.106. PAYMENT FOR PRINTING OF STATE PUBLICATIONS.  
11-37 If a state agency's printing is done by contract, an account for the  
11-38 printing may not be approved and a warrant may not be issued unless  
11-39 the agency first furnishes to the comptroller [~~Texas Building and  
11-40 Procurement Commission~~] a receipt from the state librarian for the  
11-41 publication or a written waiver from the state librarian exempting  
11-42 the publication from this subchapter.

11-43 SECTION 1.47. Sections 441.194(a) and (b), Government Code,  
11-44 are amended to read as follows:

11-45 (a) Unless otherwise provided by law, the comptroller  
11-46 [~~General Services Commission~~] shall take custody of the records of  
11-47 a state agency that is abolished by the legislature and whose duties  
11-48 and responsibilities are not transferred to another state agency.

11-49 (b) Unless the requirement is waived by the state records  
11-50 administrator, the records management officer of the comptroller  
11-51 [~~General Services Commission~~], or of another state agency that  
11-52 receives custody of the records pursuant to law, shall prepare and  
11-53 submit to the state archivist and the state records administrator a  
11-54 list of the records of the abolished state agency within 180 days of  
11-55 the effective date of the agency's abolition.

11-56 SECTION 1.48. Section 444.021(a), Government Code, is  
11-57 amended to read as follows:

11-58 (a) The commission shall:

11-59 (1) foster the development of a receptive climate for  
11-60 the arts that will culturally enrich and benefit state citizens in  
11-61 their daily lives;

11-62 (2) make visits and vacations to the state more  
11-63 appealing to the world;

11-64 (3) attract, through appropriate programs of  
11-65 publicity and education, additional outstanding artists to become  
11-66 state residents;

11-67 (4) direct activities such as the sponsorship of  
11-68 lectures and exhibitions and the central compilation and  
11-69 dissemination of information on the progress of the arts in the

12-1 state;

12-2 (5) provide advice to the comptroller [~~General~~  
12-3 ~~Services Commission~~], Texas Historical Commission, Texas State  
12-4 Library, Texas Tourist Development Agency, Texas Department of  
12-5 Transportation, and other state agencies to provide a concentrated  
12-6 state effort in encouraging and developing an appreciation for the  
12-7 arts in the state;

12-8 (6) provide advice relating to the creation,  
12-9 acquisition, construction, erection, or remodeling by the state of  
12-10 a work of art; and

12-11 (7) provide advice, on request of the governor,  
12-12 relating to the artistic character of buildings constructed,  
12-13 erected, or remodeled by the state.

12-14 SECTION 1.49. Section 465.0082, Government Code, is amended  
12-15 to read as follows:

12-16 Sec. 465.0082. PURCHASING RULES. The commission shall  
12-17 adopt rules to guide its purchases of supplies, materials,  
12-18 services, and equipment to carry out eligible undertakings as  
12-19 defined by Section 465.021. The commission shall use as a guide,  
12-20 whenever consistent with the commission's purposes, the rules of  
12-21 the comptroller [~~State Purchasing and General Services~~  
12-22 ~~Commission~~].

12-23 SECTION 1.50. Section 465.018(b), Government Code, is  
12-24 amended to read as follows:

12-25 (b) This section does not prohibit the commission from using  
12-26 the comptroller's purchasing [~~General Services Commission's~~  
12-27 ~~services~~].

12-28 SECTION 1.51. Section 466.104, Government Code, is amended  
12-29 to read as follows:

12-30 Sec. 466.104. ASSISTANCE OF COMPTROLLER [~~GENERAL SERVICES~~  
12-31 ~~COMMISSION~~]. (a) On request of the executive director, the  
12-32 comptroller [~~General Services Commission~~] shall assist the  
12-33 executive director in:

12-34 (1) acquiring facilities, supplies, materials,  
12-35 equipment, and services under Subtitle D, Title 10; or

12-36 (2) establishing procedures for the executive  
12-37 director's accelerated acquisition of facilities, supplies,  
12-38 materials, equipment, and services for the operation of the  
12-39 lottery.

12-40 (b) The comptroller may request assistance from the Texas  
12-41 Facilities Commission in performing its facilities-related duties  
12-42 under this section.

12-43 SECTION 1.52. Section 481.027(f), Government Code, is  
12-44 amended to read as follows:

12-45 (f) The comptroller [~~General Services Commission~~] may, at  
12-46 the request of a state agency, provide to the agency services  
12-47 exempted from the application of Subtitle D, Title 10 under  
12-48 Subsection (e). Chapter 771 does not apply to services provided  
12-49 under this subsection. The comptroller [~~commission~~] shall  
12-50 establish a system of charges and billings that ensures recovery of  
12-51 the cost of providing the services and shall submit a purchase  
12-52 voucher or a journal voucher, after the close of each month, to the  
12-53 agency for which services were performed.

12-54 SECTION 1.53. Section 496.0515(b), Government Code, is  
12-55 amended to read as follows:

12-56 (b) The department shall promulgate procedures for the  
12-57 purpose of purchasing under Subsection (a). The department shall  
12-58 file copies of the procedures promulgated under this subsection  
12-59 with the comptroller [~~General Services Commission~~].

12-60 SECTION 1.54. Section 497.024(b), Government Code, is  
12-61 amended to read as follows:

12-62 (b) If the comptroller [~~General Services Commission~~]  
12-63 determines that an article or product produced by the office under  
12-64 this subchapter does not meet the requirements of an agency of the  
12-65 state or a political subdivision, or that the office has determined  
12-66 that the office is unable to fill a requisition for an article or  
12-67 product, the agency or subdivision may purchase the article or  
12-68 product from another source.

12-69 SECTION 1.55. Sections 497.025(a) and (c), Government Code,

13-1 are amended to read as follows:

13-2 (a) An agency of the state that purchases articles and  
 13-3 products under this subchapter must requisition the purchase  
 13-4 through the comptroller [~~General Services Commission~~] except for  
 13-5 purchases of articles or products not included in an established  
 13-6 contract. The purchase of articles or products not included in an  
 13-7 established contract and that do not exceed the dollar limits  
 13-8 established under Section 2155.132 may be acquired directly from  
 13-9 the office on the agency's obtaining an informal or a formal  
 13-10 quotation for the item and issuing a proper purchase order to the  
 13-11 office. The comptroller [~~General Services Commission~~] and the  
 13-12 department shall enter into an agreement to expedite the process by  
 13-13 which agencies are required to requisition purchases of articles or  
 13-14 products through the comptroller [~~commission~~].

13-15 (c) If an agency or political subdivision purchasing goods  
 13-16 under this subchapter desires to purchase goods or articles from  
 13-17 the office, it may do so without complying with any other state law  
 13-18 otherwise requiring the agency or political subdivision to request  
 13-19 competitive bids for the article or product. Nothing herein shall  
 13-20 be interpreted to require a political subdivision to purchase goods  
 13-21 or articles from the office if the political subdivision determines  
 13-22 that the goods or articles can be purchased elsewhere at a lower  
 13-23 price. An agency may decline to purchase goods or articles from the  
 13-24 office if the agency determines, after giving the office a final  
 13-25 opportunity to negotiate on price, and the comptroller [~~General  
 13-26 Services Commission~~] certifies, that the goods or articles can be  
 13-27 purchased elsewhere at a lower price.

13-28 SECTION 1.56. Section 497.026, Government Code, is amended  
 13-29 to read as follows:

13-30 Sec. 497.026. PRICES. The office and the comptroller  
 13-31 [~~General Services Commission~~] shall determine the sales price of  
 13-32 articles and products produced under this subchapter.

13-33 SECTION 1.57. Section 497.027, Government Code, is amended  
 13-34 to read as follows:

13-35 Sec. 497.027. SPECIFICATIONS. (a) The comptroller  
 13-36 [~~General Services Commission~~] shall establish specifications for  
 13-37 articles and products produced under this subchapter. An article  
 13-38 or product produced under this subchapter must meet specifications  
 13-39 established under this subsection in effect when the article or  
 13-40 product is produced.

13-41 (b) The office may manufacture articles and products to meet  
 13-42 commercial specifications for the article or product if the  
 13-43 comptroller [~~General Services Commission~~] has not established  
 13-44 specifications for the article or product and the comptroller  
 13-45 [~~commission~~] approves the commercial specifications.

13-46 SECTION 1.58. Section 497.029, Government Code, is amended  
 13-47 to read as follows:

13-48 Sec. 497.029. NEW ARTICLES AND PRODUCTS. The comptroller  
 13-49 [~~General Services Commission~~] may request the office to produce  
 13-50 additional articles or products under this subchapter.

13-51 SECTION 1.59. Section 497.030, Government Code, is amended  
 13-52 to read as follows:

13-53 Sec. 497.030. COMPTROLLER [~~GENERAL SERVICES COMMISSION~~]  
 13-54 REPORTS. (a) Not later than the 31st day before the first day of  
 13-55 each fiscal year, the comptroller [~~General Services Commission~~]  
 13-56 shall submit to the office a report that summarizes the types and  
 13-57 amounts of articles and products sold under this subchapter in the  
 13-58 preceding nine months.

13-59 (b) Not later than the 100th day after the last day of each  
 13-60 fiscal year, the comptroller [~~General Services Commission~~] shall  
 13-61 submit to the office a report that states the types and amounts of  
 13-62 articles and products sold under this subchapter in the preceding  
 13-63 fiscal year.

13-64 (c) A report submitted by the comptroller [~~General Services  
 13-65 Commission~~] under this section must describe the articles and  
 13-66 products to the extent possible in the manner those articles and  
 13-67 products are described in catalogs prepared under Section 497.028.

13-68 SECTION 1.60. Section 531.0312(b), Government Code, is  
 13-69 amended to read as follows:

14-1 (b) The commission shall cooperate with the Records  
14-2 Management Interagency Coordinating Council and the comptroller  
14-3 [~~General Services Commission~~] to establish a single method of  
14-4 categorizing information about health and human services to be used  
14-5 by the Records Management Interagency Coordinating Council and the  
14-6 Texas Information and Referral Network. The network, in  
14-7 cooperation with the council and the comptroller [~~General Services~~  
14-8 ~~Commission~~], shall ensure that:

14-9 (1) information relating to health and human services  
14-10 is included in each residential telephone directory published by a  
14-11 for-profit publisher and distributed to the public at minimal or no  
14-12 cost; and

14-13 (2) the single method of categorizing information  
14-14 about health and human services is used in a residential telephone  
14-15 directory described by Subdivision (1).

14-16 SECTION 1.61. Section 663.001(3), Government Code, is  
14-17 amended to read as follows:

14-18 (3) "Commission" means the Texas Facilities [~~General~~  
14-19 ~~Services~~] Commission.

14-20 SECTION 1.62. Sections 791.025(a) and (b), Government Code,  
14-21 are amended to read as follows:

14-22 (a) A local government, including a council of governments,  
14-23 may agree with another local government or with the state or a state  
14-24 agency, including the comptroller [~~General Services Commission~~],  
14-25 to purchase goods and services.

14-26 (b) A local government, including a council of governments,  
14-27 may agree with another local government, including a nonprofit  
14-28 corporation that is created and operated to provide one or more  
14-29 governmental functions and services, or with the state or a state  
14-30 agency, including the comptroller [~~General Services Commission~~],  
14-31 to purchase goods and any services reasonably required for the  
14-32 installation, operation, or maintenance of the goods. This  
14-33 subsection does not apply to services provided by firefighters,  
14-34 police officers, or emergency medical personnel.

14-35 SECTION 1.63. Section 825.103(d), Government Code, is  
14-36 amended to read as follows:

14-37 (d) Notwithstanding any other law, the retirement system  
14-38 has exclusive authority over the purchase of goods and services  
14-39 using money other than money appropriated from the general revenue  
14-40 fund, including specifically money from trusts under the  
14-41 administration of the retirement system, and Subtitle D, Title 10,  
14-42 does not apply to the retirement system with respect to that money.  
14-43 The retirement system shall acquire goods or services by  
14-44 procurement methods approved by the board of trustees or the  
14-45 board's designee. For purposes of this subsection, goods and  
14-46 services include all professional and consulting services and  
14-47 utilities as well as supplies, materials, equipment, skilled or  
14-48 unskilled labor, and insurance. The comptroller [~~Texas Building~~  
14-49 ~~and Procurement Commission~~] shall procure goods or services for the  
14-50 retirement system at the request of the retirement system, and the  
14-51 retirement system may use the services of the comptroller [~~that~~  
14-52 ~~commission~~] in procuring goods or services.

14-53 SECTION 1.64. Section 2051.052, Government Code, is amended  
14-54 to read as follows:

14-55 Sec. 2051.052. CANCELLATION OF PUBLISHING CONTRACT. The  
14-56 comptroller [~~General Services Commission~~] or a district or county  
14-57 official required to publish a notice may cancel a contract  
14-58 executed by the comptroller [~~commission~~] or official for the  
14-59 publication if the comptroller [~~commission~~] or official determines  
14-60 that the newspaper charges a rate higher than the legal rate.

14-61 SECTION 1.65. Section 2054.057(a), Government Code, is  
14-62 amended to read as follows:

14-63 (a) The department, with the cooperation of the  
14-64 comptroller [~~the General Services Commission~~] and other  
14-65 appropriate state agencies, shall develop and implement a program  
14-66 to train state agency personnel in effectively negotiating  
14-67 contracts for the purchase of information resources technologies.

14-68 SECTION 1.66. Section 2101.038, Government Code, is amended  
14-69 to read as follows:

15-1           Sec. 2101.038. DUTIES OF STATE AUDITOR. The state auditor,  
 15-2 when reviewing the operation of a state agency, shall audit for  
 15-3 compliance with the uniform statewide accounting system, the  
 15-4 comptroller's rules, and the Legislative Budget Board's performance  
 15-5 and workload measures. The state auditor shall also audit state  
 15-6 agencies that make purchases that are exempted from the purchasing  
 15-7 authority of the comptroller [~~General Services Commission~~] or that  
 15-8 make purchases under delegated purchasing authority for compliance  
 15-9 with applicable provisions of Subtitle D, except that this section  
 15-10 does not require the state auditor to audit purchases made under  
 15-11 Section 51.9335, Education Code, or made under Section 73.115,  
 15-12 Education Code. The state auditor shall notify the comptroller,  
 15-13 the governor, the lieutenant governor, the speaker of the house of  
 15-14 representatives, and the Legislative Budget Board as soon as  
 15-15 practicable when a state agency is not in compliance.

15-16           SECTION 1.67. Section 2103.032(a), Government Code, is  
 15-17 amended to read as follows:

15-18           (a) The comptroller by rule may establish a system for state  
 15-19 agencies to submit and approve electronically vouchers if the  
 15-20 comptroller determines that the system will facilitate the  
 15-21 operation and administration of the uniform statewide accounting  
 15-22 system. The comptroller may establish an electronic method to  
 15-23 approve a voucher submitted by a state agency [~~and may establish an~~  
 15-24 ~~electronic system for the approval of vouchers by the General~~  
 15-25 ~~Services Commission~~].

15-26           SECTION 1.68. Sections 2113.103(a), (c), and (d),  
 15-27 Government Code, are amended to read as follows:

15-28           (a) A state agency should use the most cost-effective means  
 15-29 of postal service available. A state agency may use appropriated  
 15-30 money to purchase any form of mailing service available from the  
 15-31 United States Postal Service that results in lower cost to the  
 15-32 agency and affords service comparable in quality to other available  
 15-33 postal services. The comptroller [~~General Services Commission~~]  
 15-34 shall assist state agencies in determining the types and  
 15-35 comparability of postal services available from the United States  
 15-36 Postal Service.

15-37           (c) An agency other than an institution of higher education  
 15-38 as defined by Section 61.003, Education Code, that spends for  
 15-39 postage in a fiscal year an amount that exceeds the dollar amount  
 15-40 set by the General Appropriations Act as the maximum expenditure  
 15-41 for postage shall purchase or rent a postage meter machine and  
 15-42 record all purchases of postage on the machine except purchases of  
 15-43 postage for employees in field offices and traveling employees.  
 15-44 The rental of a postage meter machine by a state agency, including  
 15-45 an institution of higher education, the legislature, or an agency  
 15-46 in the legislative branch of state government, must be from a  
 15-47 company approved by the comptroller [~~General Services Commission~~].  
 15-48 The comptroller [~~General Services Commission~~] by rule shall adopt  
 15-49 procedures for the renting entity to pay for postage.

15-50           (d) Subsection (b) does not apply to a reimbursement:

- 15-51           (1) to an authorized petty cash account;  
 15-52           (2) to a state employee for an emergency purchase of  
 15-53 postage or emergency payment of post office box rent;  
 15-54           (3) that is received by a state agency for authorized  
 15-55 services and is appropriated directly to the receiving agency; or  
 15-56           (4) under a contract for mailing services that may  
 15-57 include postage, if the contract has been approved by the  
 15-58 comptroller [~~General Services Commission~~].

15-59           SECTION 1.69. Section 2113.301(h), Government Code, is  
 15-60 amended to read as follows:

15-61           (h) The comptroller [~~Texas Building and Procurement~~  
 15-62 ~~Commission~~] shall appoint a task force to develop design  
 15-63 recommendations that are to be used for state facilities and that  
 15-64 encourage rain harvesting and water recycling by state agencies  
 15-65 using appropriated money to finance a capital expenditure for a  
 15-66 state facility purpose.

15-67           SECTION 1.70. Section 2203.005(b), Government Code, is  
 15-68 amended to read as follows:

15-69           (b) The state agency shall file with the comptroller

16-1 [~~General Services Commission~~] a copy of all contracts between the  
16-2 state agency and the vendor related to the vending machine and a  
16-3 written description of the location of the vending machine.

16-4 SECTION 1.71. Sections 2205.004(a) and (c), Government  
16-5 Code, are amended to read as follows:

16-6 (a) The board is composed of:

16-7 (1) a member appointed by the governor;  
16-8 (2) a member appointed by the lieutenant governor;  
16-9 (3) a member appointed by the speaker of the house of  
16-10 representatives; and

16-11 (4) a representative of the comptroller [~~Texas~~  
16-12 ~~Building and Procurement Commission, designated from time to time~~  
16-13 ~~by the presiding officer of the commission~~].

16-14 (c) The representative of the comptroller [~~Texas Building~~  
16-15 ~~and Procurement Commission~~] is an ex officio, nonvoting member of  
16-16 the board and serves only in an advisory capacity.

16-17 SECTION 1.72. Section 2205.012(a), Government Code, is  
16-18 amended to read as follows:

16-19 (a) The board may employ and compensate staff as provided by  
16-20 legislative appropriation or may use staff provided by the  
16-21 comptroller [~~General Services Commission~~] or the state auditor's  
16-22 office.

16-23 SECTION 1.73. Section 2251.003, Government Code, is amended  
16-24 to read as follows:

16-25 Sec. 2251.003. RULES. The comptroller [~~General Services~~  
16-26 ~~Commission~~] shall establish procedures and adopt rules to  
16-27 administer this chapter[, ~~except that the commission may not~~  
16-28 ~~establish a procedure or adopt a rule that conflicts with a~~  
16-29 ~~procedure established or a rule adopted by the comptroller under~~  
16-30 ~~Section 2251.026(i)]. Before adopting a rule under this section,  
16-31 the comptroller must conduct a public hearing regarding the  
16-32 proposed rule regardless of whether the requirements of Section  
16-33 2001.029(b) are met.~~

16-34 SECTION 1.74. Section 2252.003(a), Government Code, is  
16-35 amended to read as follows:

16-36 (a) The comptroller [~~General Services Commission~~] annually  
16-37 shall publish in the Texas Register:

16-38 (1) a list showing each state that regulates the award  
16-39 of a governmental contract to a bidder whose principal place of  
16-40 business is not located in that state; and

16-41 (2) the citation to and a summary of each state's most  
16-42 recent law or regulation relating to the evaluation of a bid from  
16-43 and award of a contract to a bidder whose principal place of  
16-44 business is not located in that state.

16-45 SECTION 1.75. Section 2254.040, Government Code, is amended  
16-46 to read as follows:

16-47 Sec. 2254.040. PROCUREMENT BY COMPTROLLER [~~GENERAL~~  
16-48 ~~SERVICES COMMISSION~~]. (a) The comptroller [~~General Services~~  
16-49 ~~Commission~~] may, on request of a state agency, procure for the  
16-50 agency consulting services that are covered by this subchapter.

16-51 (b) The comptroller [~~commission~~] may require reimbursement  
16-52 for the costs it incurs in procuring the services.

16-53 SECTION 1.76. Sections 2261.001(a) and (c), Government  
16-54 Code, are amended to read as follows:

16-55 (a) This chapter applies only to each procurement of goods  
16-56 or services made by a state agency that is neither made by the  
16-57 comptroller [~~General Services Commission~~] nor made under  
16-58 purchasing authority delegated to the agency by or under Section  
16-59 51.9335 or 73.115, Education Code, or Section 2155.131 or [7]  
16-60 2155.132[, ~~or 2155.133~~].

16-61 (c) The comptroller [~~General Services Commission~~] on  
16-62 request shall determine whether a procurement or type of  
16-63 procurement:

16-64 (1) is made under purchasing authority delegated to an  
16-65 agency by or under Section 2155.131 or [7] 2155.132[, ~~or 2155.133~~];  
16-66 or

16-67 (2) is made under some other source of purchasing  
16-68 authority.

16-69 SECTION 1.77. Subchapter A, Chapter 2262, Government Code,



is amended by adding Section 2262.0011 to read as follows:

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

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

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

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

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

(A) the commission;

(B) the Railroad Commission of Texas; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The comptroller ~~[General Services Commission]~~ may adopt rules as necessary to implement Subsection (a). Before adopting a rule under this subsection, the comptroller must conduct a public hearing regarding the proposed rule regardless of whether the requirements of Section 2001.029(b), Government Code, are met.

SECTION 1.84. Section 34.006, Education Code, is amended to

18-1 read as follows:

18-2 Sec. 34.006. SALE OF BUSES. (a) At the request of a school  
18-3 district, the comptroller [~~General Services Commission~~] shall  
18-4 dispose of a school bus.

18-5 (b) A school district is not required to dispose of a school  
18-6 bus through the comptroller [~~General Services Commission~~].

18-7 SECTION 1.85. Section 106.54, Education Code, is amended to  
18-8 read as follows:

18-9 Sec. 106.54. BIENNIAL REPORT. True and full accounts shall  
18-10 be kept by the board and by the employees of the university of all  
18-11 funds collected from all sources by the university, all the sums  
18-12 paid out by it, and the persons to whom and the purposes for which  
18-13 the sums are paid. The board shall print biennially a complete  
18-14 report of all sums collected, all expenditures, and the sums  
18-15 remaining on hand. The report shall be printed in even-numbered  
18-16 years between September 1 and January 1. It shall show the true  
18-17 condition of all funds as of the preceding August 1, and shall show  
18-18 all collections and expenditures for the preceding two years. The  
18-19 board shall furnish copies of the report to the governor,  
18-20 comptroller, state auditor, and attorney general[, ~~and not less~~  
18-21 ~~than three copies to the General Services Commission~~]. The board  
18-22 shall furnish a copy to each member of the House Appropriations  
18-23 Committee, the Senate Finance Committee, and the House and Senate  
18-24 committees on education of each regular session of the legislature  
18-25 within one week after the committees are appointed.

18-26 SECTION 1.86. Section 107.66, Education Code, is amended to  
18-27 read as follows:

18-28 Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC.  
18-29 The board may make requisition to the comptroller [~~General Services~~  
18-30 ~~Commission~~] for furniture, furnishings, equipment, and  
18-31 appointments required for the proper use and enjoyment of  
18-32 improvements erected by the board, and the comptroller [~~General~~  
18-33 ~~Services Commission~~] may purchase and pay for the furnishings,  
18-34 equipment, and appointments.

18-35 SECTION 1.87. Section 141.003(c), Education Code, is  
18-36 amended to read as follows:

18-37 (c) Supplies, materials, services, and equipment purchased  
18-38 with these funds shall not be subject to the purchasing [~~State~~  
18-39 ~~Purchasing and General Services Commission~~] authority of the  
18-40 comptroller.

18-41 SECTION 1.88. Section 142.004(e), Education Code, is  
18-42 amended to read as follows:

18-43 (e) Supplies, materials, services, and equipment purchased  
18-44 with these funds shall not be subject to the purchasing [~~State~~  
18-45 ~~Purchasing and General Services Commission~~] authority of the  
18-46 comptroller.

18-47 SECTION 1.89. Section 143.005(f), Education Code, is  
18-48 amended to read as follows:

18-49 (f) Supplies, materials, services, and equipment purchased  
18-50 with these funds shall not be subject to the purchasing [~~State~~  
18-51 ~~Purchasing and General Services Commission~~] authority of the  
18-52 comptroller.

18-53 SECTION 1.90. Section 152.004(e), Education Code, is  
18-54 amended to read as follows:

18-55 (e) Supplies, materials, services, or equipment purchased  
18-56 by a public junior college or public technical institute with money  
18-57 received under this chapter are not subject to the purchasing  
18-58 authority of the comptroller [~~General Services Commission~~].

18-59 SECTION 1.91. Section 361.423, Health and Safety Code, is  
18-60 amended to read as follows:

18-61 Sec. 361.423. RECYCLING MARKET DEVELOPMENT IMPLEMENTATION  
18-62 PROGRAM. (a) The commission, the comptroller [~~Texas Building and~~  
18-63 ~~Procurement Commission~~], and other consenting state agencies as  
18-64 appropriate shall regularly coordinate the recycling activities of  
18-65 state agencies and shall each pursue an economic development  
18-66 strategy that focuses on the state's waste management priorities  
18-67 established by Section 361.022 and that includes development of  
18-68 recycling industries and markets as an integrated component.

18-69 (b) The commission and the comptroller [~~Texas Building and~~

19-1 ~~Procurement Commission~~], on an ongoing basis, shall jointly:

19-2 (1) identify existing economic and regulatory

19-3 incentives and disincentives for creating an optimal market

19-4 development strategy;

19-5 (2) analyze or take into consideration the market

19-6 development implications of:

19-7 (A) the state's waste management policies and

19-8 regulations;

19-9 (B) existing and potential markets for plastic,

19-10 glass, paper, lead-acid batteries, tires, compost, scrap gypsum,

19-11 coal combustion by-products, and other recyclable materials; and

19-12 (C) the state's tax structure and overall

19-13 economic base;

19-14 (3) examine and make policy recommendations regarding

19-15 the need for changes in or the development of:

19-16 (A) economic policies that affect

19-17 transportation, such as those embodied in freight rate schedules;

19-18 (B) tax incentives and disincentives;

19-19 (C) the availability of financial capital

19-20 including grants, loans, and venture capital;

19-21 (D) enterprise zones;

19-22 (E) managerial and technical assistance;

19-23 (F) job-training programs;

19-24 (G) strategies for matching market supply and

19-25 market demand for recyclable materials, including intrastate and

19-26 interstate coordination;

19-27 (H) the state recycling goal;

19-28 (I) public-private partnerships;

19-29 (J) research and development;

19-30 (K) government procurement policies;

19-31 (L) educational programs for the public,

19-32 corporate and regulated communities, and government entities; and

19-33 (M) public health and safety regulatory

19-34 policies;

19-35 (4) establish a comprehensive statewide strategy to

19-36 expand markets for recycled products in Texas;

19-37 (5) provide information and technical assistance to

19-38 small and disadvantaged businesses, business development centers,

19-39 chambers of commerce, educational institutions, and nonprofit

19-40 associations on market opportunities in the area of recycling; and

19-41 (6) with the cooperation of the Office of

19-42 State-Federal Relations, assist communities and private entities

19-43 in identifying state and federal grants pertaining to recycling and

19-44 solid waste management.

19-45 (c) In carrying out this section, the commission and the

19-46 comptroller [~~Texas Building and Procurement Commission~~] may obtain

19-47 research and development and technical assistance from the

19-48 Hazardous Waste Research Center at Lamar University at Beaumont or

19-49 other similar institutions.

19-50 (d) In carrying out this section, the commission and the

19-51 comptroller [~~Texas Building and Procurement Commission~~] shall

19-52 utilize the pollution prevention advisory committee as set out in

19-53 Section 361.0215 of the Health and Safety Code.

19-54 SECTION 1.92. Section 361.425(a), Health and Safety Code,

19-55 is amended to read as follows:

19-56 (a) A state agency, state court or judicial agency, a

19-57 university system or institution of higher education, a county,

19-58 municipality, school district, or special district shall:

19-59 (1) in cooperation with the comptroller [~~General~~

19-60 ~~Services Commission~~] or the commission establish a program for the

19-61 separation and collection of all recyclable materials generated by

19-62 the entity's operations, including, at a minimum, aluminum, steel

19-63 containers, aseptic packaging and polycoated paperboard cartons,

19-64 high-grade office paper, and corrugated cardboard;

19-65 (2) provide procedures for collecting and storing

19-66 recyclable materials, containers for recyclable materials, and

19-67 procedures for making contractual or other arrangements with buyers

19-68 of recyclable materials;

19-69 (3) evaluate the amount of recyclable material

20-1 recycled and modify the recycling program as necessary to ensure  
20-2 that all recyclable materials are effectively and practicably  
20-3 recycled; and

20-4 (4) establish educational and incentive programs to  
20-5 encourage maximum employee participation.

20-6 SECTION 1.93. Section 361.427(a), Health and Safety Code,  
20-7 is amended to read as follows:

20-8 (a) The commission, in consultation with the comptroller  
20-9 [~~General Services Commission~~], shall promulgate rules to establish  
20-10 guidelines which specify the percent of the total content of a  
20-11 product which must consist of recycled material for the product to  
20-12 be a "recycled product."

20-13 SECTION 1.94. Section 841.083(c-2), Health and Safety  
20-14 Code, is amended to read as follows:

20-15 (c-2) If the equipment necessary to implement the tracking  
20-16 service is available through a contract entered into by the  
20-17 comptroller [~~Texas Building and Procurement Commission~~], the  
20-18 Department of Public Safety or the council, as appropriate, shall  
20-19 acquire that equipment through that contract.

20-20 SECTION 1.95. Section 32.044(d), Human Resources Code, is  
20-21 amended to read as follows:

20-22 (d) The department with the assistance of the Health and  
20-23 Human Services Commission and the comptroller [~~General Services  
20-24 Commission~~] shall adopt rules under this section that allow the  
20-25 public or private hospital to make purchases through group  
20-26 purchasing programs except when the department has reason to  
20-27 believe that a better value is available through another  
20-28 procurement method.

20-29 SECTION 1.96. Section 111.0553(a), Human Resources Code, is  
20-30 amended to read as follows:

20-31 (a) The commission shall develop and, following review and  
20-32 approval by the board, implement agency-wide procurement  
20-33 procedures to:

20-34 (1) ensure compliance with the best-value purchasing  
20-35 requirements of Section 2155.144(c), Government Code;

20-36 (2) document that a best-value review of vendors has  
20-37 occurred;

20-38 (3) document the reasons for selecting a vendor;

20-39 (4) negotiate price discounts with high-volume  
20-40 vendors;

20-41 (5) consolidate purchases with other agencies,  
20-42 including the Texas Department of Health and the comptroller  
20-43 [~~General Services Commission~~], to achieve best value; and

20-44 (6) provide effective public notification to  
20-45 potential vendors of planned commission purchases.

20-46 SECTION 1.97. Chapter 122, Human Resources Code, is amended  
20-47 by adding Section 122.0011 to read as follows:

20-48 Sec. 122.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
20-49 powers and duties of the commission under this chapter are  
20-50 transferred to the comptroller.

20-51 (b) In this chapter, a reference to the commission means the  
20-52 comptroller.

20-53 SECTION 1.98. Article 21A.0135(a), Insurance Code, is  
20-54 amended to read as follows:

20-55 (a) The receiver shall use a competitive bidding process in  
20-56 the selection of any special deputies appointed under Section  
20-57 21A.102 or 21A.154. The process must include procedures to promote  
20-58 the participation of historically underutilized businesses that  
20-59 have been certified by the comptroller [~~Texas Building and  
20-60 Procurement Commission~~] under Section 2161.061, Government Code.

20-61 SECTION 1.99. Sections 201.007(b), (c), (f), and (g), Local  
20-62 Government Code, are amended to read as follows:

20-63 (b) After the settlement of the outstanding indebtedness of  
20-64 an abolished municipality and the satisfaction of the other  
20-65 applicable requirements of Chapter 62, Local Government Code, the  
20-66 municipality's governing body at the time the municipality is  
20-67 abolished, or the receiver or trustees if appointed by a court,  
20-68 shall transfer the records of the municipality to the custody of the  
20-69 comptroller [~~General Services Commission~~]. A record of an abolished

21-1 municipality may not be sold to satisfy an outstanding  
21-2 indebtedness.

21-3 (c) After the settlement of the outstanding indebtedness of  
21-4 an abolished special-purpose district or authority, other than a  
21-5 school district, and the satisfaction of the other applicable  
21-6 requirements of state law establishing or permitting the  
21-7 establishment of the district or authority or governing its  
21-8 abolition, the district's governing body at the time the district  
21-9 is abolished shall transfer the records of the district to the  
21-10 custody of the comptroller [~~General Services Commission~~]. A record  
21-11 of an abolished special-purpose district or authority may not be  
21-12 sold to satisfy an outstanding indebtedness.

21-13 (f) The cost of the transfer of records to the comptroller  
21-14 [~~General Services Commission~~] under this section shall be paid for  
21-15 out of the funds of the abolished local government. If funds of the  
21-16 local government are not available for this purpose, the cost of the  
21-17 transfer shall be paid out of the funds of the comptroller [~~General  
21-18 Services Commission~~].

21-19 (g) The records retention schedules issued by the  
21-20 commission shall be used, as far as practicable, as the basis for  
21-21 the retention and disposition of local government records  
21-22 transferred to the custody of the comptroller [~~General Services  
21-23 Commission~~] under this section.

21-24 SECTION 1.100. Section 252.0215, Local Government Code, is  
21-25 amended to read as follows:

21-26 Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO  
21-27 HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an  
21-28 expenditure of more than \$3,000 but less than \$25,000, shall  
21-29 contact at least two historically underutilized businesses on a  
21-30 rotating basis, based on information provided by the comptroller  
21-31 [~~General Services Commission~~] pursuant to Chapter 2161, Government  
21-32 Code. If the list fails to identify a historically underutilized  
21-33 business in the county in which the municipality is situated, the  
21-34 municipality is exempt from this section.

21-35 SECTION 1.101. The heading to Section 262.002, Local  
21-36 Government Code, is amended to read as follows:

21-37 Sec. 262.002. AUTHORITY TO PURCHASE ROAD EQUIPMENT AND  
21-38 TIRES THROUGH COMPTROLLER [~~STATE PURCHASING AND GENERAL SERVICES  
21-39 COMMISSION~~].

21-40 SECTION 1.102. Section 262.002(a), Local Government Code,  
21-41 is amended to read as follows:

21-42 (a) The commissioners court of a county may purchase through  
21-43 the comptroller [~~State Purchasing and General Services Commission~~]  
21-44 road machinery and equipment, tires, and tubes to be used by the  
21-45 county.

21-46 SECTION 1.103. Section 271.082, Local Government Code, is  
21-47 amended to read as follows:

21-48 Sec. 271.082. PURCHASING PROGRAM. (a) The comptroller  
21-49 [~~State Purchasing and General Services Commission~~] shall establish  
21-50 a program by which the comptroller [~~commission~~] performs purchasing  
21-51 services for local governments. The services must include:

21-52 (1) the extension of state contract prices to  
21-53 participating local governments when the comptroller [~~commission~~]  
21-54 considers it feasible;

21-55 (2) solicitation of bids on items desired by local  
21-56 governments if the solicitation is considered feasible by the  
21-57 comptroller [~~commission~~] and is desired by the local government;  
21-58 and

21-59 (3) provision of information and technical assistance  
21-60 to local governments about the purchasing program.

21-61 (b) The comptroller [~~commission~~] may charge a participating  
21-62 local government an amount not to exceed the actual costs incurred  
21-63 by the comptroller [~~commission~~] in providing purchasing services to  
21-64 the local government under the program.

21-65 (c) The comptroller [~~commission~~] may adopt rules and  
21-66 procedures necessary to administer the purchasing program. Before  
21-67 adopting a rule under this subsection, the comptroller must conduct  
21-68 a public hearing regarding the proposed rule regardless of whether  
21-69 the requirements of Section 2001.029(b), Government Code, are met.

22-1 SECTION 1.104. Section 113.283(a), Natural Resources Code,  
22-2 is amended to read as follows:

- 22-3 (a) The council is composed of the following individuals:
- 22-4 (1) the commissioner of the General Land Office;
- 22-5 (2) the members of the Railroad Commission of Texas;
- 22-6 (3) the comptroller [~~chairman of the General Services~~  
22-7 ~~Commission~~]; and
- 22-8 (4) the chairman of the Texas Natural Resource  
22-9 Conservation Commission.

22-10 SECTION 1.105. Section 161.020, Natural Resources Code, is  
22-11 amended to read as follows:

22-12 Sec. 161.020. PURCHASE OF SUPPLIES. The board may purchase  
22-13 at state expense through the comptroller [~~board of control~~]  
22-14 supplies, including stationery, stamps, printing, record books,  
22-15 and other things that may be needed to carry on the board's  
22-16 functions as a state agency in performing the duties imposed by this  
22-17 chapter.

22-18 SECTION 1.106. Section 12.008(c), Parks and Wildlife Code,  
22-19 is amended to read as follows:

22-20 (c) The comptroller [~~State Purchasing and General Services~~  
22-21 ~~Commission~~] shall execute any sale of products under this section  
22-22 under the general law governing the sale of state property;  
22-23 however, the department shall determine the quantity of products to  
22-24 be offered for sale and the consideration in lieu of money to be  
22-25 received under the sale. The department may lease grazing or  
22-26 farming rights under this section. In leasing the rights, the  
22-27 department must follow a competitive bidding procedure.

22-28 SECTION 1.107. Section 81.404(b), Parks and Wildlife Code,  
22-29 is amended to read as follows:

22-30 (b) Contracts for the removal of fur-bearing animals and  
22-31 reptiles shall be entered into under the direction of the  
22-32 comptroller [~~State Purchasing and General Services Commission~~] in  
22-33 the manner provided by general law for the sale of state property,  
22-34 except that the department shall determine the means, methods, and  
22-35 quantities of fur-bearing animals and reptiles to be taken, and the  
22-36 department may accept or reject any bid received by the comptroller  
22-37 [~~State Purchasing and General Services Commission~~].

22-38 SECTION 1.108. Section 111.0035(f), Tax Code, is amended to  
22-39 read as follows:

22-40 (f) Except as provided by Subsection (g), the comptroller  
22-41 shall award a contract made under this section through a  
22-42 competitive bidding process that complies with Section 2155.132,  
22-43 Government Code[, and the rules adopted by the General Services  
22-44 ~~Commission relating to delegated purchases~~]. If the comptroller  
22-45 receives not more than three bids through the competitive bidding  
22-46 process, the comptroller shall report the number of bidders to the  
22-47 Legislative Budget Board before awarding the contract.

22-48 SECTION 1.109. Section 111.0036(f), Tax Code, is amended to  
22-49 read as follows:

22-50 (f) Except as provided by Subsection (g), the comptroller  
22-51 shall award a contract made under this section through a  
22-52 competitive bidding process that complies with Section 2155.132,  
22-53 Government Code[, and the rules adopted by the General Services  
22-54 ~~Commission relating to delegated purchases~~]. If the comptroller  
22-55 receives not more than three bids through the competitive bidding  
22-56 process, the comptroller shall report the number of bidders to the  
22-57 Legislative Budget Board before awarding the contract.

22-58 SECTION 1.110. Section 201.706, Transportation Code, is  
22-59 amended to read as follows:

22-60 Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From  
22-61 appropriated funds, the department shall assist counties with  
22-62 materials to repair and maintain county roads. The department  
22-63 shall:

- 22-64 (1) provide that the total annual value of assistance  
22-65 under this section is:
  - 22-66 (A) at least \$12 million per year for fiscal  
22-67 years 1998 and 1999; and
  - 22-68 (B) at least \$6 million per year for a fiscal year  
22-69 other than 1998 or 1999;

23-1 (2) make maximum usage of surplus materials on hand;  
 23-2 (3) develop rules and procedures to implement this  
 23-3 section and to provide for the distribution of the assistance with  
 23-4 preference given to counties with an above average number of  
 23-5 overweight trucks receiving weight tolerance permits based on the  
 23-6 previous year's permit totals; and  
 23-7 (4) undertake cooperative and joint procurement of  
 23-8 road materials with counties under [~~General Services Commission~~]  
 23-9 procedures of the comptroller.

23-10 SECTION 1.111. Section 202.082(b), Transportation Code, is  
 23-11 amended to read as follows:

23-12 (b) Disposal of reclaimed asphalt pavement under this  
 23-13 section is not subject to:

- 23-14 (1) Chapter 2175, Government Code; or
- 23-15 (2) the statutory or regulatory authority of the  
 23-16 comptroller formerly exercised by the General Services Commission.

23-17 SECTION 1.112. Section 223.041(b), Transportation Code, is  
 23-18 amended to read as follows:

23-19 (b) The department, in setting a minimum level of  
 23-20 expenditures in these engineering-related activities that will be  
 23-21 paid to the private sector providers, shall provide that the  
 23-22 expenditure level for a state fiscal year in all strategies paid to  
 23-23 private sector providers for all department engineering-related  
 23-24 services for transportation projects is not less than 35 percent of  
 23-25 the total funds appropriated in Strategy A.1.1. Plan/Design/Manage  
 23-26 and Strategy A.1.2. of the General Appropriations Act for that  
 23-27 state fiscal biennium. The department shall attempt to make  
 23-28 expenditures for engineering-related services with private sector  
 23-29 providers under this subsection with historically underutilized  
 23-30 businesses, as defined by Section 2161.001, Government Code, in an  
 23-31 amount consistent with the applicable provisions of the Government  
 23-32 Code, any applicable state disparity study, and in accordance with  
 23-33 the good-faith-effort procedures outlined in the rules adopted by  
 23-34 the comptroller [~~Texas Building and Procurement Commission~~].

23-35 SECTION 1.113. Section 502.052(c), Transportation Code, is  
 23-36 amended to read as follows:

23-37 (c) To promote highway safety, each license plate shall be  
 23-38 made with a reflectorized material that provides effective and  
 23-39 dependable brightness for the period for which the plate is issued.  
 23-40 The purchase of reflectorized material shall be submitted to the  
 23-41 comptroller [~~General Services Commission~~] for approval.

23-42 SECTION 1.114. Section 502.053(b), Transportation Code, is  
 23-43 amended to read as follows:

23-44 (b) When manufacturing is started, the Texas Department of  
 23-45 Criminal Justice, the Texas Department of Transportation, and the  
 23-46 comptroller [~~Texas Building and Procurement Commission~~], after  
 23-47 negotiation, shall set the price to be paid for each license plate  
 23-48 or insignia. The price must be determined from:

- 23-49 (1) the cost of metal, paint, and other materials  
 23-50 purchased;
- 23-51 (2) the inmate maintenance cost per day;
- 23-52 (3) overhead expenses;
- 23-53 (4) miscellaneous charges; and
- 23-54 (5) a previously approved amount of profit for the  
 23-55 work.

23-56 SECTION 1.115. Section 14.058, Utilities Code, is amended  
 23-57 to read as follows:

23-58 Sec. 14.058. FEES FOR ELECTRONIC ACCESS TO INFORMATION.  
 23-59 The fees charged by the commission for electronic access to  
 23-60 information that is stored in the system established by the  
 23-61 commission using funds from the Texas Public Finance Authority and  
 23-62 approved by the Department of Information Resources shall be  
 23-63 established:

23-64 (1) by the commission in consultation with the  
 23-65 comptroller [~~General Services Commission~~]; and

23-66 (2) in an amount reasonable and necessary to retire  
 23-67 the debt to the Texas Public Finance Authority associated with  
 23-68 establishing the electronic access system.

23-69 SECTION 1.116. Section 222.004(v), Water Code, is amended

24-1 to read as follows:

24-2 (v) The authority may enter into contracts with this state  
 24-3 through the comptroller [~~Texas Building and Procurement~~  
 24-4 ~~Commission~~] providing for direct sale by the authority of  
 24-5 electrical power to this state for use in buildings or other  
 24-6 facilities owned, leased, or rented by this state in Travis County.

24-7 SECTION 1.117. The following provisions of the Government  
 24-8 Code are repealed:

- 24-9 (1) Section 403.241(1);
- 24-10 (2) Section 2103.063;
- 24-11 (3) Section 2152.003;
- 24-12 (4) Section 2152.104(c);
- 24-13 (5) Sections 2155.323(c) and (d); and
- 24-14 (6) Section 2161.002(b).

24-15 SECTION 1.118. Section 12.014(b), Agriculture Code, is  
 24-16 repealed.

24-17 SECTION 1.119. On the effective date of this Act, the Texas  
 24-18 Building and Procurement Commission is renamed the Texas Facilities  
 24-19 Commission.

24-20 SECTION 1.120. (a) The Texas Facilities Commission retains  
 24-21 the powers and duties of the former Texas Building and Procurement  
 24-22 Commission that relate to charge and control of state buildings,  
 24-23 grounds, or property, to maintenance or repair of state buildings,  
 24-24 grounds, or property, to child care services for state employees  
 24-25 under Chapter 663, Government Code, to surplus and salvage  
 24-26 property, to construction of a state building, or to the purchase or  
 24-27 lease of buildings, grounds, or property by or for the state.

24-28 (a-1) Except as otherwise provided by this Act or other law,  
 24-29 all other powers and duties of the Texas Building and Procurement  
 24-30 Commission are transferred to the comptroller.

24-31 (b) All employees of the Texas Building and Procurement  
 24-32 Commission who primarily perform duties related to an activity  
 24-33 described by Subsection (a) of this section, including employees  
 24-34 who provide administrative support for those services, remain  
 24-35 employees of the Texas Facilities Commission.

24-36 (b-1) All other employees of the Texas Building and  
 24-37 Procurement Commission are transferred to the office of the  
 24-38 comptroller. A management employee of the Texas Building and  
 24-39 Procurement Commission who is transferred to the office of the  
 24-40 comptroller under this subsection does not automatically continue  
 24-41 to hold the person's management position. To hold the management  
 24-42 position on other than an interim basis, the person must apply for  
 24-43 the position with the comptroller.

24-44 (c) A rule, form, policy, procedure, or decision of the  
 24-45 Texas Building and Procurement Commission that is related to an  
 24-46 activity described by Subsection (a) of this section continues in  
 24-47 effect as a rule, form, policy, procedure, or decision of the Texas  
 24-48 Facilities Commission.

24-49 (c-1) A rule, form, policy, procedure, or decision of the  
 24-50 Texas Building and Procurement Commission that is related to an  
 24-51 activity transferred by this Act to the comptroller continues in  
 24-52 effect as a rule, form, policy, procedure, or decision of the  
 24-53 comptroller until superseded by an act of the comptroller.

24-54 (d) A court case, administrative proceeding, contract  
 24-55 negotiation, or other proceeding involving the Texas Building and  
 24-56 Procurement Commission that is related to an activity described by  
 24-57 Subsection (a) of this section is unaffected by the change in name  
 24-58 of the agency.

24-59 (d-1) A court case, administrative proceeding, contract  
 24-60 negotiation, or other proceeding involving the Texas Building and  
 24-61 Procurement Commission that is related to an activity transferred  
 24-62 by this Act to the comptroller is transferred without change in  
 24-63 status to the comptroller, and the comptroller assumes, without a  
 24-64 change in status, the position of the Texas Building and  
 24-65 Procurement Commission in a negotiation or proceeding relating to  
 24-66 an activity transferred by this Act to the comptroller to which the  
 24-67 Texas Building and Procurement Commission is a party.

24-68 (e) All money, contracts, leases, rights, bonds, and  
 24-69 obligations of the Texas Building and Procurement Commission



25-1 related to an activity described by Subsection (a) of this section  
 25-2 remain with the Texas Facilities Commission.

25-3 (e-1) All money, contracts, memoranda of understanding,  
 25-4 leases, rights, bonds, and obligations of the Texas Building and  
 25-5 Procurement Commission related to an activity transferred by this  
 25-6 Act to the comptroller are transferred to the comptroller.

25-7 (f) All personal property, including records, in the  
 25-8 custody of the Texas Building and Procurement Commission related to  
 25-9 an activity described by Subsection (a) of this section remains the  
 25-10 property of the Texas Facilities Commission.

25-11 (f-1) All personal property, including records, in the  
 25-12 custody of the Texas Building and Procurement Commission related to  
 25-13 an activity transferred by this Act to the comptroller becomes the  
 25-14 property of the comptroller.

25-15 (g) All funds appropriated by the legislature to the Texas  
 25-16 Building and Procurement Commission for an activity described by  
 25-17 Subsection (a) of this section, including funds for providing  
 25-18 administrative support for those services, continue as  
 25-19 appropriations to the Texas Facilities Commission.

25-20 (g-1) All funds appropriated by the legislature to the Texas  
 25-21 Building and Procurement Commission for an activity transferred by  
 25-22 this Act to the comptroller, including funds for providing  
 25-23 administrative support for those services, are transferred to the  
 25-24 comptroller.

25-25 SECTION 1.121. In accordance with Section 1.120 of this  
 25-26 article, the comptroller and the Texas Facilities Commission shall  
 25-27 adopt a memorandum of understanding that identifies and allocates  
 25-28 between the office of the comptroller and the Texas Facilities  
 25-29 Commission the powers, duties, property, employees,  
 25-30 appropriations, and other items transferred under Section 1.120.  
 25-31 The memorandum of understanding must also:

25-32 (1) identify and allocate between the office of the  
 25-33 comptroller and the Texas Facilities Commission the employees and  
 25-34 real and personal property of the Texas Building and Procurement  
 25-35 Commission, including space in the central administrative offices  
 25-36 of the commission, used to generally support the activities of the  
 25-37 Texas Building and Procurement Commission; and

25-38 (2) provide a timetable for any necessary or advisable  
 25-39 movement of the physical location of employees and property.

25-40 SECTION 1.122. Sections 2155.086 and 2155.087, Government  
 25-41 Code, as added by this Act, apply only to a contract for which the  
 25-42 solicitation of bids or proposals or similar expressions of  
 25-43 interest is published on or after September 1, 2007. A contract for  
 25-44 which the solicitation of bids or proposals or similar expressions  
 25-45 of interest is published before September 1, 2007, is governed by  
 25-46 the law in effect on the date the solicitation of bids or proposals  
 25-47 or similar expressions of interest is published, and the former law  
 25-48 is continued in effect for that purpose.

#### 25-49 ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

25-50 SECTION 2.01. Section 35.102(c), Business & Commerce Code,  
 25-51 is amended to read as follows:

25-52 (c) This section does not apply to the Department of  
 25-53 Information Resources [~~General Services Commission~~], in its  
 25-54 capacity as the telecommunications provider for the state, and an  
 25-55 institution of higher education, as that term is defined by Section  
 25-56 61.003, Education Code, that provides interactive computer  
 25-57 service.

25-58 SECTION 2.02. Section 44.031(i), Education Code, is amended  
 25-59 to read as follows:

25-60 (i) A school district may acquire computers and  
 25-61 computer-related equipment, including computer software, through  
 25-62 the Department of Information Resources [~~General Services~~  
 25-63 ~~Commission~~] under contracts entered into in accordance with Chapter  
 25-64 2054 or 2157, Government Code. Before issuing an invitation for  
 25-65 bids, the department [~~commission~~] shall consult with the agency  
 25-66 concerning the computer and computer-related equipment needs of  
 25-67 school districts. To the extent possible the resulting contract  
 25-68 shall provide for such needs.

25-69 SECTION 2.03. Section 2054.123(a), Government Code, is

26-1 amended to read as follows:

26-2 (a) The department, in consultation with the [~~Texas~~  
26-3 ~~Building and Procurement Commission, the~~] state auditor[~~7~~] and the  
26-4 comptroller, shall create an interagency panel of representatives  
26-5 appointed by those agencies and officers to coordinate and maintain  
26-6 a training program to assist state agencies in performing software  
26-7 audits, managing software, and purchasing software and software  
26-8 licenses. Each state agency shall cooperate with the panel in the  
26-9 evaluation of the agency's needs for software management and shall  
26-10 donate agency resources to the evaluation of the agency as the panel  
26-11 requires.

26-12 SECTION 2.04. Section 2054.201, Government Code, is amended  
26-13 to read as follows:

26-14 Sec. 2054.201. COMPOSITION; TERMS. (a) The  
26-15 telecommunications planning and oversight council is composed of:

26-16 (1) a representative of the comptroller's office,  
26-17 appointed by the comptroller;

26-18 (2) the executive director of the Telecommunications  
26-19 Infrastructure Fund Board;

26-20 (3) a representative of the department [~~Texas Building~~  
26-21 ~~and Procurement Commission~~], appointed by the executive director of  
26-22 the department [~~commission~~];

26-23 (4) a member representing the interests of state  
26-24 agencies with 1,000 employees or more, appointed by the lieutenant  
26-25 governor;

26-26 (5) a member representing the interests of state  
26-27 agencies with fewer than 1,000 employees, appointed by the speaker  
26-28 of the house of representatives;

26-29 (6) a member representing the interests of  
26-30 institutions of higher education, appointed by the commissioner of  
26-31 higher education;

26-32 (7) a member representing the interests of The  
26-33 University of Texas System, appointed by the chancellor;

26-34 (8) a member representing the interests of The Texas  
26-35 A&M University System, appointed by the chancellor;

26-36 (9) a member representing the interests of public  
26-37 school districts that are customers of the consolidated  
26-38 telecommunications system, appointed by the governor;

26-39 (10) a member representing the interests of local  
26-40 governments that are customers of the consolidated  
26-41 telecommunications system, appointed by the governor;

26-42 (11) two public members with telecommunications  
26-43 expertise, appointed by the governor; and

26-44 (12) a representative of the Health and Human Services  
26-45 Commission, appointed by the commissioner of health and human  
26-46 services.

26-47 (b) Appointed members of the telecommunications planning  
26-48 and oversight council serve staggered two-year terms, with the  
26-49 terms of four or five members expiring August 31 each year, except  
26-50 that:

26-51 (1) the representative of the comptroller's office  
26-52 serves at the discretion of the comptroller;

26-53 (2) the representative of the department [~~Texas~~  
26-54 ~~Building and Procurement Commission~~] serves at the discretion of  
26-55 the executive director of the department [~~commission~~]; and

26-56 (3) the representative of the Health and Human  
26-57 Services Commission serves at the discretion of the commissioner of  
26-58 health and human services.

26-59 SECTION 2.05. Sections 2054.304(b) and (c), Government  
26-60 Code, are amended to read as follows:

26-61 (b) Except as provided by Subsection (c), the state agency  
26-62 must file the project plan with the quality assurance team and the  
26-63 department [~~Texas Building and Procurement Commission~~] before the  
26-64 agency:

26-65 (1) spends more than 10 percent of allocated funds for  
26-66 the project; or

26-67 (2) first issues a vendor solicitation for the  
26-68 project.

26-69 (c) Unless the project plan has been filed under this

27-1 section:

27-2 (1) [~~the Texas Building and Procurement Commission may~~  
27-3 ~~not issue~~] a vendor solicitation may not be issued for the project;  
27-4 and

27-5 (2) the agency may not post a vendor solicitation for  
27-6 the project in the state business daily under Section 2155.083.

27-7 SECTION 2.06. Section 771.031(b), Health and Safety Code,  
27-8 is amended to read as follows:

27-9 (b) The following individuals serve as nonvoting ex officio  
27-10 members:

27-11 (1) the executive director of the Public Utility  
27-12 Commission of Texas, or an individual designated by the executive  
27-13 director;

27-14 (2) the executive director of the Department of  
27-15 Information Resources [~~General Services Commission~~], or an  
27-16 individual designated by the executive director; and

27-17 (3) the commissioner of public health, or an  
27-18 individual who has responsibility for the poison control network  
27-19 designated by the commissioner.

27-20 SECTION 2.07. Section 771.0711(e), Health and Safety Code,  
27-21 is amended to read as follows:

27-22 (e) A member of the commission, the governing body of a  
27-23 public agency, or the Department of Information Resources [~~General~~  
27-24 ~~Services Commission~~] is not liable for any claim, damage, or loss  
27-25 arising from the provision of wireless 9-1-1 service unless the act  
27-26 or omission causing the claim, damage, or loss violates a statute or  
27-27 ordinance applicable to the action.

27-28 SECTION 2.08. Section 55.203(f), Utilities Code, is amended  
27-29 to read as follows:

27-30 (f) The Department of Information Resources [~~General~~  
27-31 ~~Services Commission~~] shall cooperate with the commission and with  
27-32 publishers to ensure that the subject matter listing of programs  
27-33 and telephone numbers in the telephone directories are consistent  
27-34 with the categorization developed by the Records Management  
27-35 Interagency Coordinating Council under Section 441.203(j),  
27-36 Government Code.

### 27-37 ARTICLE 3. CONFORMING AMENDMENTS; MISCELLANEOUS

27-38 SECTION 3.01. Section 201.002(b), Transportation Code, is  
27-39 amended to read as follows:

27-40 (b) The comptroller [~~General Services Commission~~] shall  
27-41 contract for equipment and supplies, including seals and number  
27-42 plates, required by law in the administration of the registration  
27-43 of vehicles and in the operation of the department.

27-44 SECTION 3.02. Section 403.023(b), Government Code, is  
27-45 amended to read as follows:

27-46 (b) The comptroller may adopt rules relating to the use of  
27-47 credit or charge cards by state agencies to pay for purchases. The  
27-48 rules may:

27-49 (1) authorize a state agency to use credit or charge  
27-50 cards if the comptroller determines the best interests of the state  
27-51 would be promoted;

27-52 (2) authorize a state agency to use credit or charge  
27-53 cards to pay for purchases without providing the same authorization  
27-54 to other state agencies; and

27-55 (3) authorize a state agency to use credit or charge  
27-56 cards to pay for purchases that otherwise may be paid out of the  
27-57 agency's petty cash accounts under Subchapter K[, ~~and~~

27-58 [~~(4) authorize the General Services Commission to~~  
27-59 ~~contract with one or more credit or charge card issuers on behalf of~~  
27-60 ~~state agencies~~].

27-61 SECTION 3.03. Section 441.203(a), Government Code, is  
27-62 amended to read as follows:

27-63 (a) The Records Management Interagency Coordinating Council  
27-64 is composed of:

27-65 (1) permanent members, consisting of the following  
27-66 officers or the officer's designee:

27-67 (A) the secretary of state;

27-68 (B) the state auditor, who serves as a nonvoting  
27-69 member;

- 28-1 (C) the comptroller of public accounts;
- 28-2 (D) the attorney general;
- 28-3 (E) the director and librarian; and
- 28-4 (F) [~~the executive director of the Texas Building~~
- 28-5 ~~and Procurement Commission; and~~

28-6 [~~(C)~~] the executive director of the Department of  
28-7 Information Resources; and

28-8 (2) auxiliary voting members, consisting of:  
28-9 (A) one faculty member of a public senior college  
28-10 or university, as defined by Section 61.003, Education Code, who  
28-11 has demonstrated knowledge of records and information management;  
28-12 and

28-13 (B) two individuals who serve as information  
28-14 resources managers, under Section 2054.071, for state agencies in  
28-15 the executive branch of government.

28-16 SECTION 3.04. Section 551.0726(a), Government Code, is  
28-17 amended to read as follows:

28-18 (a) The Texas Facilities [~~Building and Procurement~~]  
28-19 Commission may conduct a closed meeting to deliberate business and  
28-20 financial issues relating to a contract being negotiated if, before  
28-21 conducting the closed meeting:

28-22 (1) the commission votes unanimously that  
28-23 deliberation in an open meeting would have a detrimental effect on  
28-24 the position of the state in negotiations with a third person; and

28-25 (2) the attorney advising the commission issues a  
28-26 written determination finding that deliberation in an open meeting  
28-27 would have a detrimental effect on the position of the state in  
28-28 negotiations with a third person and setting forth that finding  
28-29 therein.

28-30 SECTION 3.05. Section 552.009(a), Government Code, as  
28-31 amended by Chapters 329 and 716, Acts of the 79th Legislature,  
28-32 Regular Session, 2005, is reenacted to read as follows:

28-33 (a) The open records steering committee is composed of two  
28-34 representatives of the attorney general's office and:

28-35 (1) a representative of each of the following,  
28-36 appointed by its governing entity:

- 28-37 (A) the comptroller's office;
- 28-38 (B) the Department of Public Safety;
- 28-39 (C) the Department of Information Resources; and
- 28-40 (D) the Texas State Library and Archives

28-41 Commission;  
28-42 (2) five public members, appointed by the attorney  
28-43 general; and

28-44 (3) a representative of each of the following types of  
28-45 local governments, appointed by the attorney general:

- 28-46 (A) a municipality;
- 28-47 (B) a county; and
- 28-48 (C) a school district.

28-49 SECTION 3.06. Section 571.061(a), Government Code, is  
28-50 amended to read as follows:

28-51 (a) The commission shall administer and enforce:

- 28-52 (1) Chapters 302, 303, 305, 572, and 2004;
- 28-53 (2) Subchapter C, Chapter 159, Local Government Code,  
28-54 in connection with a county judicial officer, as defined by Section  
28-55 159.051, Local Government Code, who elects to file a financial  
28-56 statement with the commission; [~~and~~]
- 28-57 (3) Title 15, Election Code; and
- 28-58 (4) Sections 2152.064 and 2155.003.

28-59 SECTION 3.07. Section 571.091(a), Government Code, is  
28-60 amended to read as follows:

28-61 (a) The commission shall prepare a written opinion  
28-62 answering the request of a person subject to any of the following  
28-63 laws for an opinion about the application of any of these laws to  
28-64 the person in regard to a specified existing or hypothetical  
28-65 factual situation:

- 28-66 (1) Chapter 302;
- 28-67 (2) Chapter 303;
- 28-68 (3) Chapter 305;
- 28-69 (4) Chapter 2004;

- 29-1 (5) Chapter 572;
- 29-2 (6) Subchapter C, Chapter 159, Local Government Code,
- 29-3 as provided by Section 571.061(a)(2);
- 29-4 (7) Title 15, Election Code;
- 29-5 (8) Chapter 36, Penal Code; [~~or~~]
- 29-6 (9) Chapter 39, Penal Code;
- 29-7 (10) Section 2152.064; or
- 29-8 (11) Section 2155.003.

29-9 SECTION 3.08. Section 572.003(c), Government Code, is  
 29-10 amended to read as follows:

- 29-11 (c) The term means a member of:
- 29-12 (1) the Public Utility Commission of Texas;
- 29-13 (2) the Texas Department of Economic Development;
- 29-14 (3) the Texas Commission on Environmental Quality;
- 29-15 (4) the Texas Alcoholic Beverage Commission;
- 29-16 (5) The Finance Commission of Texas;
- 29-17 (6) the Texas Facilities [~~Building and Procurement~~]
- 29-18 Commission;
- 29-19 (7) the Texas Board of Criminal Justice;
- 29-20 (8) the board of trustees of the Employees Retirement
- 29-21 System of Texas;
- 29-22 (9) the Texas Transportation Commission;
- 29-23 (10) the Texas Workers' Compensation Commission;
- 29-24 (11) the Texas Department of Insurance;
- 29-25 (12) the Parks and Wildlife Commission;
- 29-26 (13) the Public Safety Commission;
- 29-27 (14) the Texas Ethics Commission;
- 29-28 (15) the State Securities Board;
- 29-29 (16) the Texas Water Development Board;
- 29-30 (17) the governing board of a public senior college or
- 29-31 university as defined by Section 61.003, Education Code, or of The
- 29-32 University of Texas Southwestern Medical Center at Dallas, The
- 29-33 University of Texas Medical Branch at Galveston, The University of
- 29-34 Texas Health Science Center at Houston, The University of Texas
- 29-35 Health Science Center at San Antonio, The University of Texas
- 29-36 System Cancer Center, The University of Texas Health Science Center
- 29-37 at Tyler, University of North Texas Health Science Center at Fort
- 29-38 Worth, Texas Tech University Health Sciences Center, Texas State
- 29-39 Technical College--Harlingen, Texas State Technical
- 29-40 College--Marshall, Texas State Technical College--Sweetwater, or
- 29-41 Texas State Technical College--Waco;
- 29-42 (18) the Texas Higher Education Coordinating Board;
- 29-43 (19) the Texas Workforce Commission;
- 29-44 (20) the State Banking Board;
- 29-45 (21) the board of trustees of the Teacher Retirement
- 29-46 System of Texas;
- 29-47 (22) the Credit Union Commission;
- 29-48 (23) the School Land Board;
- 29-49 (24) the board of the Texas Department of Housing and
- 29-50 Community Affairs;
- 29-51 (25) the Texas Racing Commission;
- 29-52 (26) the State Board of Dental Examiners;
- 29-53 (27) the Texas State Board of Medical Examiners;
- 29-54 (28) the Board of Pardons and Paroles;
- 29-55 (29) the Texas State Board of Pharmacy;
- 29-56 (30) the Department of Information Resources
- 29-57 governing board;
- 29-58 (31) the Motor Vehicle Board;
- 29-59 (32) the Texas Real Estate Commission;
- 29-60 (33) the board of directors of the State Bar of Texas;
- 29-61 (34) the bond review board;
- 29-62 (35) the Texas Board of Health;
- 29-63 (36) the Texas Board of Mental Health and Mental
- 29-64 Retardation;
- 29-65 (37) the Texas Board on Aging;
- 29-66 (38) the Texas Board of Human Services;
- 29-67 (39) the Texas Funeral Service Commission;
- 29-68 (40) the board of directors of a river authority
- 29-69 created under the Texas Constitution or a statute of this state; or

30-1 (41) the Texas Lottery Commission.  
30-2 SECTION 3.09. Subchapter B, Chapter 2152, Government Code,  
30-3 is amended by adding Section 2152.064 to read as follows:

30-4 Sec. 2152.064. CONFLICTS OF INTEREST IN CERTAIN  
30-5 TRANSACTIONS. (a) A commission member, employee, or appointee may  
30-6 not:

30-7 (1) have an interest in, or in any manner be connected  
30-8 with:

30-9 (A) a contract or bid for a purchase of goods or  
30-10 services, including professional or consulting services, by the  
30-11 commission or another agency of the state in connection with the  
30-12 commission's duties concerning:

30-13 (i) charge and control of state buildings,  
30-14 grounds, or property;

30-15 (ii) maintenance or repair of state  
30-16 buildings, grounds, or property;

30-17 (iii) construction of a state building; or

30-18 (iv) purchase or lease of state buildings,  
30-19 grounds, or property by or for the state; or

30-20 (B) a recipient of state surplus or salvage  
30-21 property under the control of the commission; or

30-22 (2) in any manner, including by rebate or gift, accept  
30-23 or receive, directly or indirectly, from a recipient of state  
30-24 surplus or salvage property or a person to whom a contract  
30-25 described by Subdivision (1) may be awarded, anything of value or a  
30-26 promise, obligation, or contract for future reward or compensation.

30-27 (b) A commission member, employee, or appointee who  
30-28 violates Subsection (a)(2) is subject to dismissal.

30-29 (c) In consultation with the commission, the Texas Ethics  
30-30 Commission shall adopt rules to implement this section.

30-31 (d) The Texas Ethics Commission shall administer and  
30-32 enforce this section and may prepare written opinions regarding  
30-33 this section in accordance with Subchapter D, Chapter 571.

30-34 SECTION 3.10. Section 2203.001(b), Government Code, is  
30-35 amended to read as follows:

30-36 (b) The report must be made daily on a form prescribed by the  
30-37 comptroller [General Services Commission].

30-38 SECTION 3.11. Section 2254.024(b), Government Code, is  
30-39 amended to read as follows:

30-40 (b) If the governor and [7] comptroller[, and General  
30-41 Services Commission] consider it more advantageous to the state to  
30-42 procure a particular consulting service under the procedures of  
30-43 Chapters 2155-2158, instead of under this subchapter, they may make  
30-44 a memorandum of understanding to that effect and each adopt the  
30-45 memorandum by rule. Procurement of a consulting service described  
30-46 in a memorandum of understanding under this subsection is subject  
30-47 only to Chapters 2155-2158.

30-48 SECTION 3.12. Section 2254.039(b), Government Code, is  
30-49 amended to read as follows:

30-50 (b) The comptroller shall give proposed rules to the  
30-51 governor [and the General Services Commission] for review and  
30-52 comment before adopting the rules.

30-53 ARTICLE 4. STUDY OF TEXAS FACILITIES COMMISSION FUNCTIONS

30-54 SECTION 4.01. Subchapter A, Chapter 2152, Government Code,  
30-55 is amended by adding Section 2152.004 to read as follows:

30-56 Sec. 2152.004. STUDY TO ASSESS FUNCTIONS OF TEXAS  
30-57 FACILITIES COMMISSION. (a) The Sunset Advisory Commission shall  
30-58 conduct a study of the functions of the Texas Facilities  
30-59 Commission. The study must assess the best allocation of state  
30-60 resources for:

30-61 (1) the acquisition of state buildings through lease  
30-62 or purchase;

30-63 (2) the construction of buildings owned by the state;

30-64 (3) the control and maintenance of buildings owned or  
30-65 leased by the state; and

30-66 (4) all other related responsibilities performed by  
30-67 the commission.

30-68 (b) The study must consider the benefits to the state of  
30-69 outsourcing any of the commission's functions to private entities

31-1 or of allocating those functions to other state agencies.

31-2 (c) The commission shall take into consideration the  
31-3 findings and conclusions of the study in its report to the 81st  
31-4 Legislature and shall include any recommendations it considers  
31-5 appropriate resulting from its consideration of the study.

31-6 (d) The Texas Facilities Commission, the General Land  
31-7 Office, and the state auditor shall provide support to the Sunset  
31-8 Advisory Commission in conducting the study.

31-9 (e) This section expires January 1, 2009.

31-10 ARTICLE 5. EFFECTIVE DATE

31-11 SECTION 5.01. This Act takes effect September 1, 2007.

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