

1-1 By: Pickett, Solomons (Senate Sponsor - West) H.B. No. 2521
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Economic
1-4 Development; May 21, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2521 By: Watson

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

1-10 relating to a preference in state purchasing for certain
1-11 media-related services offered by businesses based in Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 2155.444, Government Code, is amended by
1-14 adding Subsections (f), (g), and (h) to read as follows:

1-15 (f) The comptroller and each state agency conducting an
1-16 advertising campaign that involves the creation or production of a
1-17 commercial shall give preference to a commercial production company
1-18 and advertising agency located in this state if:

1-19 (1) the services meet state requirements regarding the
1-20 service to be performed and regarding expected quality; and

1-21 (2) the cost of the service does not exceed the cost of
1-22 other similar services of similar expected quality that are offered
1-23 by a bidder that is not entitled to a preference under this
1-24 subsection.

1-25 (g) For purposes of Subsection (f), "commercial production
1-26 company" means a corporation, limited liability company,
1-27 partnership, or other private entity that includes as one of its
1-28 purposes the production of one or more television, film, radio, or
1-29 other media-related commercials.

1-30 (h) The Music, Film, Television, and Multimedia Office
1-31 within the office of the governor has exclusive rulemaking
1-32 authority for purposes of:

1-33 (1) determining whether an advertising campaign is
1-34 subject to the requirements of this section;

1-35 (2) establishing a bid process for purposes of the
1-36 services described by Subsection (f); and

1-37 (3) establishing criteria to determine whether a
1-38 commercial production company or advertising agency is located in
1-39 this state for the purposes of this section.

1-40 SECTION 2. The change in law made by this Act applies only
1-41 to a contract for which a state agency first advertises or otherwise
1-42 solicits bids, proposals, offers, or qualifications on or after the
1-43 effective date of this Act. A contract for which a state agency
1-44 first advertised or otherwise solicited bids, proposals, offers, or
1-45 qualifications before the effective date of this Act is governed by
1-46 the law in effect when the first advertisement or solicitation was
1-47 given, and the former law is continued in effect for that purpose.

1-48 SECTION 3. This Act takes effect September 1, 2009.

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