

SENATE AMENDMENTS

2nd Printing

By: Pickett, Solomons

H.B. No. 2521

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

SECTION 2. The change in law made by this Act applies only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the

1 effective date of this Act. A contract for which a state agency
2 first advertised or otherwise solicited bids, proposals, offers, or
3 qualifications before the effective date of this Act is governed by
4 the law in effect when the first advertisement or solicitation was
5 given, and the former law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

Letay Spaw
Secretary of the Senate

By: PICKETT (WEST)

H.B. No. 2521

Substitute the following for H.B. No. 2521:

By: *W. H. H. H.*

C.S. H.B. No. 2521

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a preference in state purchasing for certain
3 media-related services offered by businesses based in Texas.

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

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

7 (f) The comptroller and each state agency conducting an
8 advertising campaign that involves the creation or production of a
9 commercial shall give preference to a commercial production company
10 and advertising agency located in this state if:

11 (1) the services meet state requirements regarding the
12 service to be performed and regarding expected quality; and

13 (2) the cost of the service does not exceed the cost of
14 other similar services of similar expected quality that are offered
15 by a bidder that is not entitled to a preference under this
16 subsection.

17 (g) For purposes of Subsection (f), "commercial production
18 company" means a corporation, limited liability company,
19 partnership, or other private entity that includes as one of its
20 purposes the production of one or more television, film, radio, or
21 other media-related commercials.

22 (h) The Music, Film, Television, and Multimedia Office
23 within the office of the governor has exclusive rulemaking
24 authority for purposes of:

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

3 (2) establishing a bid process for purposes of the
4 services described by Subsection (f); and

5 (3) establishing criteria to determine whether a
6 commercial production company or advertising agency is located in
7 this state for the purposes of this section.

8 SECTION 2. The change in law made by this Act applies only
9 to a contract for which a state agency first advertises or otherwise
10 solicits bids, proposals, offers, or qualifications on or after the
11 effective date of this Act. A contract for which a state agency
12 first advertised or otherwise solicited bids, proposals, offers, or
13 qualifications before the effective date of this Act is governed by
14 the law in effect when the first advertisement or solicitation was
15 given, and the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

Aditya Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Roger W. N.*

1 Amend C.S.H.B. 2521 (senate committee printing) by adding
2 the following SECTIONS and renumbering subsequent SECTIONS
3 accordingly:

4 SECTION _____. Section 2155.266, Government Code, is amended
5 to read as follows:

6 Sec. 2155.266. REGISTRATION AND RENEWAL FEE. (a) The
7 comptroller ~~[commission]~~ may charge a person applying for
8 registration on the master bidders list a registration fee and
9 may charge a registrant a biennial renewal fee in an amount
10 designed to recover the comptroller's ~~[commission's]~~ costs in:

11 (1) making and maintaining the master bidders list;

12 and

13 (2) soliciting bids or proposals under this
14 subchapter.

15 (b) In addition to the fee provided by Subsection (a), the
16 comptroller shall also collect \$20 from each registrant to be
17 used for the purpose of enforcing compliance with requirements
18 of state purchasing statutes and the prevention of fraud in the
19 historically underutilized businesses program as set forth in
20 Chapter 2161 ~~[The commission shall set the amount of the fees~~
21 ~~by rule]~~.

15

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2521 by Pickett (Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the State.

For the provisions of the bill, the Music, Film, Television, and Multimedia Office within the Office of the Governor would have exclusive rulemaking authority for purposes of determining advertising campaign requirements, establishing a bid process, and establishing criteria to determine whether a commercial production company or advertising agency is located in this State.

No significant fiscal implication to the State is anticipated since agencies would only give preference to a Texas based business if the cost of service does not exceed the cost from a non-Texas based business. It is assumed that any costs associated with the bill's rulemaking authority could be absorbed within existing resources of the Trusteed Programs within the Office of the Governor.

The bill would also amend the Government Code, regarding state purchasing and allow the Comptroller to collect a \$20 fee from each registrant on the master bidders list, in addition to the charge allowed under current law, for the purpose of enforcing compliance with requirements of state purchasing statutes and the prevention of fraud in the HUB program. It is assumed that any additional revenue received as a result of the bill would not be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 362 Texas Lottery Commission, 405 Department of Public Safety, 529 Health and Human Services Commission, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, JRO, SD, PJK, KJG, JM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Chris Harris, Chair, Senate Committee on Economic Development

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2521 by Pickett (Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the State.

For the provisions of the bill, the Music, Film, Television, and Multimedia Office within the Office of the Governor would have exclusive rulemaking authority for purposes of determining advertising campaign requirements, establishing a bid process, and establishing criteria to determine whether a commercial production company or advertising agency is located in this State.

No significant fiscal implication to the State is anticipated since agencies would only give preference to a Texas based business if the cost of service does not exceed the cost from a non-Texas based business. It is assumed that any costs associated with the bill's rulemaking authority could be absorbed within existing resources of the Trusteed Programs within the Office of the Governor.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 362 Texas Lottery Commission, 405 Department of Public Safety, 529 Health and Human Services Commission, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, PJK, JRO, KJG, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Chris Harris, Chair, Senate Committee on Economic Development

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2521** by Pickett (Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the State.

No significant fiscal implication to the State is anticipated since agencies would only give preference to a Texas based business if the cost of service does not exceed the cost from a non-Texas based business.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 362 Texas Lottery Commission, 405 Department of Public Safety, 529 Health and Human Services Commission, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, JRO, KJG, SD, PJK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2521 by Pickett (Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the State.

No significant fiscal implication to the State is anticipated since agencies would only give preference to a Texas based business if the cost of service does not exceed the cost from a non-Texas based business.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 362 Texas Lottery Commission, 405 Department of Public Safety, 529 Health and Human Services Commission, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, KJG, SD, PJK