

By: Flynn

H.B. No. 76

Substitute the following for H.B. No. 76:

By: Cook

C.S.H.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to certain purchases by a state agency performing a law enforcement function.

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

SECTION 1. Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.151 to read as follows:

Sec. 2155.151. CERTAIN PURCHASES BY STATE AGENCY PERFORMING LAW ENFORCEMENT FUNCTIONS. (a) Except as provided by Subsection (b), the governing body of a state agency that performs a law enforcement function may exempt the agency from the purchasing procedures under this subtitle or Chapter 2252 for the purpose of purchasing equipment related to the agency's law enforcement functions if the governing body:

(1) obtains a written opinion from the comptroller or the Legislative Budget Board on whether the procedures should be waived; and

(2) after considering the written opinion under Subdivision (1), determines that following those procedures would negatively impact homeland security or impair the agency's ability to perform the agency's law enforcement functions.

(b) The governing body of a state agency may not exempt the agency from purchasing procedures under:

(1) this chapter or Chapter 2156 relating to the use of requests for proposal and competitive bidding;

- 1 (2) Section 2155.385;
- 2 (3) Chapter 2157 relating to the use of requests for
- 3 proposal, competitive sealed proposals, competitive sealed
- 4 bidding, and informal competitive bidding;
- 5 (4) Chapter 2161;
- 6 (5) Subchapters A and B, Chapter 2171;
- 7 (6) Section 2252.002; or
- 8 (7) Subchapter E, Chapter 2252.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.