

BILL ANALYSIS

Senate Research Center
83R5249 KSD-D

S.B. 1195
By: Ellis
Government Organization
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 82nd Legislature passed S.B. 5, which contained a provision stipulating that in a contract for the acquisition of goods or services by an institution of higher education, any provision required by law would be considered to be part of the executed contract. The language codified the net effect of existing law, under which vendors are not released from liability for compliance simply by refusing to reference the statutory requirement in the negotiated contract. The provision makes negotiation of vendor contracts easier without affecting the responsibility of vendors to comply with the underlying law.

The governing statute for the acquisition of goods or services by The University of Texas M. D. Anderson Cancer Center appears in a section of the Education Code not amended by S.B. 5. S.B. 1195 amends current law relating to the acquisition of good and services by The University of Texas M.D. Anderson Cancer Center to conform to the change made for other institutions of higher education during the last legislative session.

As proposed, S.B. 1195 amends current law relating to a contract for the acquisition of goods or services to which The University of Texas M. D. Anderson Cancer Center is a party.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 73.115, Education Code, by adding Section (g), to provide that a provision required by applicable law to be included in any contract for the acquisition of goods and services to which The University of Texas M.D. Anderson Cancer Center is a party is considered to be a part of the executed contract without regard to whether the provision appears on the face of the contract, or whether the contract includes any provision to the contrary.

SECTION 2. Effective date: upon passage or September 1, 2013.