

AN ACT

relating to the purchase of certain commodity items by a state agency.

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

SECTION 1. Section 2157.068, Government Code, is amended by amending Subsections (f) and (g) and adding Subsections (f-1) and (f-2) to read as follows:

(f) The department may adopt rules regulating a purchase by a state agency of a commodity item under this section, including a requirement that, notwithstanding other provisions of this chapter, the agency must make the purchase in accordance with a contract developed by the department unless ~~[the agency obtains]~~:

(1) the agency obtains:

(A) an exemption from the department; or

(B) ~~[(2)]~~ express prior approval from the Legislative Budget Board for the expenditure necessary for the purchase; or

(2) the department certifies in writing that the commodity item is not available for purchase under an existing contract developed by the department.

(f-1) Subject to Subsection (f-2), a state agency may purchase a commodity item through a contract developed by a local government purchasing cooperative under Chapter 791 if the department certifies in writing that the commodity item is not

1 available for purchase under an existing contract developed by the  
2 department.

3 (f-2) A contract used by a state agency that purchases a  
4 commodity item through a contract described by Subsection (f-1) is  
5 subject to all provisions required by applicable law to be included  
6 in a state agency contract without regard to whether:

7 (1) the provision appears on the face of the contract;

8 or

9 (2) the contract includes any provision to the  
10 contrary.

11 (g) The Legislative Budget Board's approval of a biennial  
12 operating plan under Section 2054.102 is not an express prior  
13 approval for purposes of Subsection (f)(1)(B) [~~(f)(2)~~]. A state  
14 agency must request an exemption from the department under  
15 Subsection (f)(1)(A) [~~(f)(1)~~] before seeking prior approval from  
16 the Legislative Budget Board under Subsection (f)(1)(B) [~~(f)(2)~~].

17 SECTION 2. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1994 was passed by the House on April 18, 2013, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1994 on May 9, 2013, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1994 was passed by the Senate, with amendments, on May 6, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor