

SENATE AMENDMENTS

2nd Printing

By: Reynolds

H.B. No. 1994

A BILL TO BE ENTITLED

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 Subsection (f-1) 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) 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 available for purchase under an existing

1 contract developed by the department.

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

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

ADOPTED

MAY 03 2013

Atty. Gen.
Secretary of the Senate

By: Reynolds/Zaffirini

H.B. No. 1994

Substitute the following for H.B. No. 1994:

By: Sylvia R. Quinn

C.S. H.B. No. 1994

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

13 (1) the agency obtains:

14 (A) an exemption from the department; or

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

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

21 (f-1) Subject to Subsection (f-2), a state agency may
22 purchase a commodity item through a contract developed by a local
23 government purchasing cooperative under Chapter 791 if the
24 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
6 included 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 7, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1994 by Reynolds (Relating to the purchase of certain commodity items by a state agency.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would exempt a state agency from purchasing an information technology (IT) commodity item through a contract developed by the Department of Information Resources (DIR), if DIR certifies that the item is not available for purchase under an existing contract developed by DIR. The bill would authorize a state agency to purchase an IT commodity item through a contract developed by a local government purchasing cooperative if that item is not available under a contract developed by DIR. The Comptroller of Public Accounts and DIR indicate that costs associated with implementation of the bill could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources

LBB Staff: UP, KJo, SD, RB, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 30, 2013

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Government Organization

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1994 by Reynolds (Relating to the purchase of certain commodity items by a state agency.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would exempt a state agency from purchasing an information technology (IT) commodity item through a contract developed by the Department of Information Resources (DIR), if DIR certifies that the item is not available for purchase under an existing contract developed by DIR. The bill would authorize a state agency to purchase an IT commodity item through a contract developed by a local government purchasing cooperative if that item is not available under a contract developed by DIR. The Comptroller of Public Accounts and DIR indicate that costs associated with implementation of the bill could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources

LBB Staff: UP, KJo, SD, RB, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 24, 2013

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Government Organization

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1994 by Reynolds (Relating to the purchase of certain commodity items by a state agency.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would exempt a state agency from purchasing an information technology (IT) commodity item through a contract developed by the Department of Information Resources (DIR), if DIR certifies that the item is not available for purchase under an existing contract developed by DIR. The bill would authorize a state agency to purchase an IT commodity item through a contract developed by a local government purchasing cooperative if that item is not available under a contract developed by DIR. The Comptroller of Public Accounts and DIR indicate that costs associated with implementation of the bill could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources

LBB Staff: UP, KJo, RB, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 3, 2013

TO: Honorable Gary Elkins, Chair, House Committee on Technology

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1994 by Reynolds (Relating to the purchase of certain commodity items by a state agency.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would exempt a state agency from purchasing an information technology (IT) commodity item through a contract developed by the Department of Information Resources (DIR), if DIR certifies that the item is not available for purchase under an existing contract developed by DIR. The bill would authorize a state agency to purchase an IT commodity item through a contract developed by a local government purchasing cooperative if that item is not available under a contract developed by DIR. The Comptroller of Public Accounts and DIR indicate that costs associated with implementation of the bill could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources

LBB Staff: UP, RB, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 22, 2013

TO: Honorable Gary Elkins, Chair, House Committee on Technology

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1994 by Reynolds (Relating to the purchase of certain commodity items by a state agency.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would exempt a state agency from purchasing an information technology (IT) commodity item through a contract developed by the Department of Information Resources (DIR), if the item is not available for purchase under an existing contract developed by DIR. The bill would authorize a state agency to purchase an IT commodity item through a contract developed by a local government purchasing cooperative if that item is not available under a contract developed by DIR. The Comptroller of Public Accounts and DIR indicate that costs associated with implementation of the bill could be absorbed within existing resources.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources

LBB Staff: UP, RB, EP, LCO, KKR