

House Bill 1994
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 contract developed by the department.

(g) The Legislative Budget Board's approval of a biennial operating plan under Section 2054.102 is not an express prior approval for purposes of Subsection (f)(1)(B) [~~(f)(2)~~]. A state

SENATE VERSION (CS)

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

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

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

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

(g) The Legislative Budget Board's approval of a biennial operating plan under Section 2054.102 is not an express prior approval for purposes of Subsection (f)(1)(B) [~~(f)(2)~~]. A state

CONFERENCE

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agency must request an exemption from the department under Subsection ~~(f)(1)(A)~~ [(f)(1)] before seeking prior approval from the Legislative Budget Board under Subsection (f)(1)(B) [(f)(2)].

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

SENATE VERSION (CS)

agency must request an exemption from the department under Subsection ~~(f)(1)(A)~~ [(f)(1)] before seeking prior approval from the Legislative Budget Board under Subsection (f)(1)(B) [(f)(2)].

SECTION 2. Same as House version.

CONFERENCE