

AN ACT

relating to transferring to the comptroller the duties of the Texas Building and Procurement Commission that do not primarily concern state facilities and renaming the commission the Texas Facilities Commission.

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

ARTICLE 1. TRANSFER OF DUTIES TO COMPTROLLER

SECTION 1.01. Sections 2151.002, 2151.003, and 2151.004, Government Code, are amended to read as follows:

Sec. 2151.002. DEFINITION [~~DEFINITIONS~~]. Except as otherwise provided by this subtitle, in this subtitle, "state agency" [+

~~(1) "Commission" means the Texas Building and Procurement Commission.~~

~~(2) "State agency" means:~~

(1) [(A)] a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute;

(2) [(B)] the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council; or

(3) [(C)] a university system or an institution of higher education as defined by Section 61.003, Education Code, except a public junior college.

Sec. 2151.003. REFERENCE. A statutory reference to the

1 General Services Commission, the State Board of Control, [~~or~~] the  
2 State Purchasing and General Services Commission, or [~~means~~] the  
3 Texas Building and Procurement Commission means:

4 (1) the Texas Facilities Commission if the statutory  
5 reference concerns:

6 (A) charge and control of state buildings,  
7 grounds, or property;

8 (B) maintenance or repair of state buildings,  
9 grounds, or property;

10 (C) construction of a state building;

11 (D) purchase or lease of state buildings,  
12 grounds, or property by or for the state;

13 (E) child care services for state employees under  
14 Chapter 663; or

15 (F) surplus and salvage property; and

16 (2) the comptroller in all other circumstances, except  
17 as otherwise provided by law.

18 Sec. 2151.004. TRANSFER AND ALLOCATION OF POWERS AND DUTIES  
19 [TO DEPARTMENT OF INFORMATION RESOURCES]. (a) The powers and  
20 duties of the former General Services Commission under Chapter 2170  
21 or other law relating to providing telecommunications services for  
22 state government are transferred to the Department of Information  
23 Resources.

24 (b) A reference in law to the General Services Commission  
25 that relates to the powers and duties of the former General Services  
26 Commission under Chapter 2170 or other law relating to providing  
27 telecommunications services for state government is a reference to

1 the Department of Information Resources.

2 (c) The Texas Facilities Commission retains the powers and  
3 duties of the former Texas Building and Procurement Commission  
4 relating to charge and control of state buildings, grounds, or  
5 property, maintenance or repair of state buildings, grounds, or  
6 property, child care services for state employees under Chapter  
7 663, surplus and salvage property, construction of a state  
8 building, or purchase or lease of state buildings, grounds, or  
9 property by or for the state.

10 (d) Except as provided by Subsection (a) or (c) or other  
11 law, all other powers and duties of the Texas Building and  
12 Procurement Commission are transferred to the comptroller.

13 SECTION 1.02. Chapter 2151, Government Code, is amended by  
14 adding Section 2151.0041 to read as follows:

15 Sec. 2151.0041. SUNSET PROVISION. (a) The transfer of  
16 powers and duties to the comptroller under Section 2151.004(d) and  
17 under House Bill 3560, Acts of the 80th Legislature, Regular  
18 Session, 2007, is subject to Chapter 325 (Texas Sunset Act).

19 (b) The Sunset Advisory Commission shall evaluate the  
20 transfer of powers and duties to the comptroller under Section  
21 2151.004(d) and under House Bill 3560, Acts of the 80th  
22 Legislature, Regular Session, 2007, and present to the 82nd  
23 Legislature a report on its evaluation and recommendations in  
24 relation to the transfer. The comptroller shall perform all duties  
25 in relation to the evaluation that a state agency subject to review  
26 under Chapter 325 would perform in relation to a review.

27 (c) Unless otherwise provided by the legislature by law, on

1 September 1, 2011:

2 (1) the powers and duties transferred to the  
3 comptroller under Section 2151.004(d) and under House Bill 3560,  
4 Acts of the 80th Legislature, Regular Session, 2007, are  
5 transferred to the Texas Facilities Commission;

6 (2) a reference in law to the comptroller relating to a  
7 power or duty transferred under this subsection means the Texas  
8 Facilities Commission;

9 (3) a rule or form adopted by the comptroller relating  
10 to a power or duty transferred under this subsection is a rule or  
11 form of the Texas Facilities Commission and remains in effect until  
12 altered by the commission;

13 (4) all obligations, contracts, proceedings, cases,  
14 negotiations, funds, and employees of the comptroller relating to a  
15 power or duty transferred under this subsection are transferred to  
16 the Texas Facilities Commission;

17 (5) all property and records in the custody of the  
18 comptroller relating to a power or duty transferred under this  
19 subsection and all funds appropriated by the legislature for  
20 purposes related to a power or duty transferred under this  
21 subsection are transferred to the Texas Facilities Commission; and

22 (6) Section 122.0011, Human Resources Code, and the  
23 following provisions of the Government Code expire:

24 (A) Sections 2151.004(c) and (d);

25 (B) Section 2155.0011;

26 (C) Section 2155.086;

27 (D) Section 2155.087;



1 is amended by adding Sections 2155.0011 and 2155.0012 to read as  
2 follows:

3 Sec. 2155.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
4 powers and duties of the commission under this chapter are  
5 transferred to the comptroller.

6 (b) In this chapter, a reference to the commission means the  
7 comptroller.

8 Sec. 2155.0012. AUTHORITY TO ADOPT RULES. The comptroller  
9 may adopt rules to efficiently and effectively administer this  
10 chapter. Before adopting a rule under this section, the  
11 comptroller must conduct a public hearing regarding the proposed  
12 rule regardless of whether the requirements of Section 2001.029(b)  
13 are met.

14 SECTION 1.07. Section 2155.003, Government Code, is amended  
15 to read as follows:

16 Sec. 2155.003. CONFLICT OF INTEREST. (a) The chief clerk  
17 or any other [A-commission member,] employee of the comptroller [  
18 or appointee] may not:

19 (1) have an interest in, or in any manner be connected  
20 with, a contract or bid for a purchase of goods or services by an  
21 agency of the state; or

22 (2) in any manner, including by rebate or gift, accept  
23 or receive from a person to whom a contract may be awarded, directly  
24 or indirectly, anything of value or a promise, obligation, or  
25 contract for future reward or compensation.

26 (b) The chief clerk or any other [A-commission member,]  
27 employee of the comptroller [ ~~or appointee~~ ] who violates

1 Subsection (a)(2) is subject to dismissal.

2 (c) In consultation with the comptroller, the Texas Ethics  
3 Commission shall adopt rules to implement this section.

4 (d) The Texas Ethics Commission shall administer and  
5 enforce this section and may prepare written opinions regarding  
6 this section in accordance with Subchapter D, Chapter 571.

7 (e) The comptroller must report to the Texas Ethics  
8 Commission a campaign contribution from a vendor that bids on or  
9 receives a contract under the comptroller's purchasing authority.

10 SECTION 1.08. Subchapter B, Chapter 2155, Government Code,  
11 is amended by adding Sections 2155.086 and 2155.087 to read as  
12 follows:

13 Sec. 2155.086. PROCEDURES FOR AWARDING CERTAIN CONTRACTS.

14 (a) In this section and in Section 2155.087, "chief clerk" means the  
15 chief clerk of the comptroller or the chief clerk's designee.

16 (b) This section applies only to the award of a contract by  
17 the comptroller that:

18 (1) relates to the powers and duties transferred to  
19 the comptroller under Section 2151.004(d);

20 (2) is reasonably expected by the comptroller at the  
21 time of the award to have a value of \$100,000 or more over the life  
22 of the contract; and

23 (3) is evaluated based wholly or partly on best value  
24 factors other than cost.

25 (c) This section does not apply to:

26 (1) any part of the contracting process other than the  
27 award, including planning, budgeting, solicitation, pre-response

1 conference, respondent presentation, evaluation, development of  
2 staff or evaluation committee recommendations, negotiation, and  
3 signature;

4 (2) a renewal, extension, or amendment of a contract  
5 provided for in the written solicitation for the original contract;  
6 or

7 (3) an emergency purchase or other contract award for  
8 which delay would create a hazard to life, health, safety, welfare,  
9 or property or would cause undue additional cost to the state.

10 (d) A contract to which this section applies must be awarded  
11 in a public meeting chaired and conducted by the chief clerk. The  
12 chief clerk shall determine the time and location for the meeting.  
13 The meeting must comply with applicable provisions of Chapter 551,  
14 including requirements relating to posting notice of the meeting.  
15 The comptroller shall also post notice of the meeting on the  
16 comptroller's website and in the state business daily. The office  
17 of the attorney general shall advise the comptroller on the  
18 applicable provisions of Chapter 551.

19 (e) Before the meeting, the chief clerk may review any  
20 written recommendations for the proposed contract award submitted  
21 by the comptroller's staff or by an evaluation committee  
22 established by the comptroller for the proposed contract. The chief  
23 clerk shall make the staff's or committee's final written  
24 recommendations available to the public at the meeting.

25 (f) A contract awarded by the chief clerk under this section  
26 is not considered final and does not bind the state until all  
27 negotiations are completed, if applicable, and all parties to the



1 contract have signed the final contract.

2 (g) The comptroller shall post notice of a contract award  
3 made in an open meeting under this section on the comptroller's  
4 website and in the state business daily.

5 (h) The comptroller shall post the text of a contract  
6 awarded in an open meeting under this section on the comptroller's  
7 website and in the state business daily, except for information in a  
8 contract that is not subject to disclosure under Chapter 552.  
9 Information that is not subject to disclosure under Chapter 552  
10 must be referenced in an appendix that generally describes the  
11 information without disclosing the specific content of the  
12 information.

13 Sec. 2155.087. STATEWIDE PROCUREMENT ADVISORY COUNCIL. (a)  
14 In this section, "council" means the Statewide Procurement Advisory  
15 Council.

16 (b) The Statewide Procurement Advisory Council consists of  
17 the following four members or their designees:

18 (1) one member appointed by the governor;

19 (2) one member appointed by the Texas Facilities  
20 Commission;

21 (3) one member appointed by the Department of  
22 Information Resources; and

23 (4) one member appointed by the Legislative Budget  
24 Board.

25 (c) The comptroller shall adopt rules describing the  
26 purpose and tasks of the council as provided by Section 2110.005.  
27 Before adopting a rule under this subsection, the comptroller must

1 conduct a public hearing regarding the proposed rule regardless of  
2 whether the requirements of Section 2001.029(b) are met.

3 (d) A quorum of the council shall attend each meeting under  
4 Section 2155.086 in which the chief clerk awards a contract. In the  
5 meeting, the council shall make recommendations to and advise the  
6 chief clerk in a manner consistent with the established purpose and  
7 tasks of the council.

8 SECTION 1.09. Section 2155.144(k), Government Code, is  
9 amended to read as follows:

10 (k) Subject to Section 531.0055(c), the Health and Human  
11 Services Commission, in cooperation with the comptroller, shall  
12 establish a central contract management database that identifies  
13 each contract made with a health and human services agency. The  
14 comptroller [~~commission~~] may use the database to monitor health and  
15 human services agency contracts, and health and human services  
16 agencies may use the database in contracting. A state agency shall  
17 send to the comptroller [~~commission~~] in the manner prescribed by  
18 the comptroller [~~commission~~] the information the agency possesses  
19 that the comptroller [~~commission~~] requires for inclusion in the  
20 database.

21 SECTION 1.10. Section 2155.322(b), Government Code, is  
22 amended to read as follows:

23 (b) If state law requires that a payment for the goods or  
24 services be made on a warrant drawn or an electronic funds transfer  
25 initiated by the comptroller or a state agency with delegated  
26 authority under Section 403.060, promptly after the later of the  
27 receipt of the invoice or the receipt of the goods or services, the

1 agency shall send to the comptroller the certification, together  
2 with the financial information and purchase information provided by  
3 the invoice and purchase voucher, on a form or in the manner  
4 prescribed ~~[agreed to]~~ by the comptroller ~~[and the commission]~~.

5 SECTION 1.11. Section 2155.323(b), Government Code, is  
6 amended to read as follows:

7 (b) If the comptroller approves the financial information,  
8 the comptroller shall determine whether ~~[commission rules require~~  
9 ~~the commission to audit]~~ the purchase information should also be  
10 audited under Section 2155.324. ~~[If a commission audit is~~  
11 ~~required, the comptroller shall promptly send the certification and~~  
12 ~~purchase information to the commission using the method and format~~  
13 ~~agreed to by the comptroller and the commission.]~~

14 SECTION 1.12. Section 2155.324, Government Code, is amended  
15 to read as follows:

16 Sec. 2155.324. PURCHASE ~~[COMMISSION]~~ AUDIT. (a) When ~~[Not~~  
17 ~~later than the eighth day after the date the commission receives the~~  
18 ~~certification and purchase information required by this subchapter~~  
19 ~~from]~~ the comptroller considers a purchase audit to be advisable,  
20 the comptroller ~~[, the commission]~~ shall audit the purchase  
21 information for compliance with applicable purchasing statutes and  
22 ~~[commission]~~ rules.

23 (b) The comptroller ~~[commission]~~ may determine the auditing  
24 method used under this section, including stratified or statistical  
25 sampling techniques.

26 ~~[(c) The commission shall notify the comptroller of the~~  
27 ~~results of the commission's audit, using the method and format~~

1 ~~agreed to by the commission and the comptroller.]~~

2 SECTION 1.13. Section 2155.325, Government Code, is amended  
3 to read as follows:

4 Sec. 2155.325. PURCHASE [COMMISSION] AUDIT AFTER ISSUANCE  
5 OF WARRANT. (a) The comptroller [commission] may audit purchase  
6 information after a warrant has been issued if the audit will  
7 expedite the payment process.

8 (b) For audits under this section, the comptroller  
9 ~~[commission]~~ by rule shall:

10 (1) determine the types of purchases that will be  
11 audited after a warrant is issued; and

12 (2) specify the purchase information that a state  
13 agency must send to the comptroller ~~[or the commission]~~ before a  
14 warrant is issued.

15 ~~[(c) For purchases audited after a warrant is issued, the~~  
16 ~~comptroller shall send the certification and purchase information~~  
17 ~~received by the comptroller under Section 2155.322(b) to the~~  
18 ~~commission under commission rules.]~~

19 SECTION 1.14. Section 2155.326, Government Code, is amended  
20 to read as follows:

21 Sec. 2155.326. AUDIT BY STATE AUDITOR [UPDATE OF COMMISSION  
22 FILES AND RECORDS]. Transactions, processes, and the performance  
23 of functions under this chapter and Chapters 2156, 2157, and 2158  
24 are subject to audit by the state auditor under Chapter 321. ~~[To~~  
25 ~~enable the commission to update periodically computer records and~~  
26 ~~close purchase order files, the comptroller shall, on request,~~  
27 ~~furnish the commission with information detailing all vouchers paid~~

1 ~~under this subchapter and Section 2155.132.]~~

2 SECTION 1.15. Section 2155.381, Government Code, is amended  
3 to read as follows:

4 Sec. 2155.381. INVOICE. (a) The contractor or seller of  
5 goods or services contracted for by the comptroller [~~commission~~]  
6 shall submit an invoice to the ordering agency at the address shown  
7 on the purchase order.

8 (b) The invoice shall be prepared and submitted as provided  
9 by [~~commission~~] rule of the comptroller.

10 SECTION 1.16. Section 2155.382(a), Government Code, is  
11 amended to read as follows:

12 (a) After the comptroller approves [~~and the commission have~~  
13 ~~approved~~] financial information and purchase information, when  
14 advance approval of that information is required by [~~commission~~]  
15 rule of the comptroller, the comptroller shall draw a warrant on the  
16 state treasury for:

- 17 (1) the amount due on the invoice; or  
18 (2) the amount on the invoice that has been allowed.

19 SECTION 1.17. Section 2155.503, Government Code, is amended  
20 to read as follows:

21 Sec. 2155.503. RULES. (a) The comptroller [~~commission~~]  
22 and the department shall adopt rules to implement this subchapter.  
23 The rules must:

- 24 (1) establish standard terms for contracts listed on a  
25 schedule; and  
26 (2) maintain consistency with existing purchasing  
27 standards.

1           (b) The comptroller [~~commission~~] and the department shall  
2 consult with the attorney general [~~and the comptroller~~] in  
3 developing rules under this section.

4           SECTION 1.18. Subchapter A, Chapter 2156, Government Code,  
5 is amended by adding Sections 2156.0011 and 2156.0012 to read as  
6 follows:

7           Sec. 2156.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
8 powers and duties of the commission under this chapter are  
9 transferred to the comptroller.

10           (b) In this chapter, a reference to the commission means the  
11 comptroller.

12           Sec. 2156.0012. AUTHORITY TO ADOPT RULES. The comptroller  
13 may adopt rules to efficiently and effectively administer this  
14 chapter. Before adopting a rule under this section, the  
15 comptroller must conduct a public hearing regarding the proposed  
16 rule regardless of whether the requirements of Section 2001.029(b)  
17 are met.

18           SECTION 1.19. Subchapter A, Chapter 2157, Government Code,  
19 is amended by adding Sections 2157.0011 and 2157.0012 to read as  
20 follows:

21           Sec. 2157.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
22 powers and duties of the commission under this chapter are  
23 transferred to the comptroller.

24           (b) In this chapter, a reference to the commission means the  
25 comptroller.

26           Sec. 2157.0012. AUTHORITY TO ADOPT RULES. The comptroller  
27 may adopt rules to efficiently and effectively administer this

1 chapter. Before adopting a rule under this section, the  
2 comptroller must conduct a public hearing regarding the proposed  
3 rule regardless of whether the requirements of Section 2001.029(b)  
4 are met.

5 SECTION 1.20. Subchapter A, Chapter 2158, Government Code,  
6 is amended by adding Sections 2158.0011 and 2158.0012 to read as  
7 follows:

8 Sec. 2158.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
9 powers and duties of the commission under this chapter are  
10 transferred to the comptroller.

11 (b) In this chapter, a reference to the commission means the  
12 comptroller.

13 Sec. 2158.0012. AUTHORITY TO ADOPT RULES. The comptroller  
14 may adopt rules to efficiently and effectively administer this  
15 chapter. Before adopting a rule under this section, the  
16 comptroller must conduct a public hearing regarding the proposed  
17 rule regardless of whether the requirements of Section 2001.029(b)  
18 are met.

19 SECTION 1.21. Subchapter A, Chapter 2161, Government Code,  
20 is amended by adding Sections 2161.0011 and 2161.0012 to read as  
21 follows:

22 Sec. 2161.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
23 powers and duties of the commission under this chapter are  
24 transferred to the comptroller.

25 (b) In this chapter, a reference to the commission means the  
26 comptroller.

27 Sec. 2161.0012. AUTHORITY TO ADOPT RULES. (a) The

1 comptroller may adopt rules to efficiently and effectively  
2 administer this chapter. Before adopting a rule under this  
3 section, the comptroller must conduct a public hearing regarding  
4 the proposed rule regardless of whether the requirements of Section  
5 2001.029(b) are met.

6 (b) The comptroller shall follow the procedures prescribed  
7 by Subchapter B, Chapter 2001, when adopting a new rule or a change  
8 to an existing rule that relates to historically underutilized  
9 businesses.

10 SECTION 1.22. Section 2161.061, Government Code, is amended  
11 by adding Subsection (e) to read as follows:

12 (e) A local government or a nonprofit organization that  
13 certifies historically underutilized businesses under Subsection  
14 (c) or that conducts a certification program described by and  
15 approved under Subsection (b) shall make available to the public an  
16 online searchable database containing information about  
17 historically underutilized businesses, minority business  
18 enterprises, women's business enterprises, and disadvantaged  
19 business enterprises certified by the local government or nonprofit  
20 organization, including:

- 21 (1) the name of the business;  
22 (2) the contact person or owner of the business;  
23 (3) the address and telephone number of the business;  
24 (4) the type or category of business, including  
25 relevant capabilities of the business and the North American  
26 Industry Classification System codes for the business; and  
27 (5) the expiration date of the business's



1 certification.

2 SECTION 1.23. Sections 2161.123(d) and (e), Government  
3 Code, are amended to read as follows:

4 (d) The commission and the state auditor shall cooperate to  
5 develop procedures providing for random periodic monitoring of  
6 state agency compliance with this section. The state auditor shall  
7 report to the commission a state agency that is not complying with  
8 this section. In determining whether a state agency is making a  
9 good faith effort to comply, the state auditor shall consider  
10 whether the agency:

11 (1) has adopted rules under Section 2161.003;

12 (2) has used the commission's directory under Section  
13 2161.064 and other resources to identify historically  
14 underutilized businesses that are able and available to contract  
15 with the agency;

16 (3) made good faith, timely efforts to contact  
17 identified historically underutilized businesses regarding  
18 contracting opportunities; ~~and~~

19 (4) conducted its procurement program in accordance  
20 with the good faith effort methodology set out in commission rules;  
21 and

22 (5) established goals for contracting with  
23 historically underutilized businesses in each procurement category  
24 based on:

25 (A) scheduled fiscal year expenditures; and

26 (B) the availability of historically  
27 underutilized businesses in each category as determined by rules

1 adopted under Section 2161.002.

2 (e) In conducting an audit of an agency's compliance with  
3 this section or an agency's making of a good faith effort to  
4 implement the plan adopted under this section, the state auditor  
5 shall ~~[not]~~ consider the success or failure of the agency to  
6 contract with historically underutilized businesses in accordance  
7 with the agency's goals described by Subsection (d)(5) ~~[in any~~  
8 ~~specific quantity. The state auditor's review shall be restricted~~  
9 ~~to the agency's procedural compliance with Subsection (d)]~~.

10 SECTION 1.24. Section 2161.125, Government Code, is amended  
11 to read as follows:

12 Sec. 2161.125. CATEGORIZATION BY SEX, RACE, AND ETHNICITY.  
13 The comptroller ~~[commission]~~, in cooperation with ~~[the comptroller~~  
14 ~~and]~~ each state agency reporting under this subchapter, shall  
15 categorize each historically underutilized business included in a  
16 report under this subchapter by sex, race, and ethnicity.

17 SECTION 1.25. Section 2161.127, Government Code, is amended  
18 to read as follows:

19 Sec. 2161.127. LEGISLATIVE APPROPRIATIONS REQUESTS. (a)  
20 Each state agency must include as part of its legislative  
21 appropriations request a detailed report for consideration by the  
22 budget committees of the legislature that shows the extent to which  
23 the agency complied with this chapter and rules of the commission  
24 adopted under this chapter during the two calendar years preceding  
25 the calendar year in which the request is submitted. To the extent  
26 the state agency did not comply, the report must demonstrate the  
27 reasons for that fact. The extent to which a state agency complies

1 with this chapter and rules of the commission adopted under this  
2 chapter is considered a key performance measure for purposes of the  
3 appropriations process.

4 (b) The report under Subsection (a) must include:

5 (1) the agency's goals established under Section  
6 2161.123(d)(5) for contracting with historically underutilized  
7 businesses during the two calendar years preceding the calendar  
8 year in which the request is submitted;

9 (2) a statement regarding whether the goals  
10 established under Section 2161.123(d)(5) were met during the two  
11 calendar years preceding the calendar year in which the request is  
12 submitted; and

13 (3) if the goals established under Section  
14 2161.123(d)(5) were not met during the two calendar years preceding  
15 the calendar year in which the request is submitted:

16 (A) a statement of the percentage by which the  
17 agency's actual use of historically underutilized businesses  
18 deviated from the agency's goals; and

19 (B) an explanation of why the goals were not met.

20 SECTION 1.26. Section 2162.051(a), Government Code, is  
21 amended to read as follows:

22 (a) The State Council on Competitive Government consists of  
23 the following individuals or the individuals they designate:

24 (1) the governor;

25 (2) the lieutenant governor;

26 (3) the comptroller;

27 (4) the speaker of the house of representatives;

1 (5) the [~~commission's~~] presiding officer of the Texas  
2 Facilities Commission; [and]

3 (6) the commissioner of the Texas Workforce Commission  
4 representing labor; and

5 (7) the land commissioner.

6 SECTION 1.27. Subchapter B, Chapter 2162, Government Code,  
7 is amended by adding Section 2162.053 to read as follows:

8 Sec. 2162.053. ADMINISTRATION BY COMPTROLLER. (a) The  
9 comptroller shall provide offices for the council and shall provide  
10 the council with legal, technical, administrative, and other  
11 support necessary to carry out its powers and duties.

12 (b) Any administrative powers or duties of the Texas  
13 Building and Procurement Commission with respect to the council are  
14 transferred to the comptroller.

15 SECTION 1.28. Section 2162.102(c), Government Code, is  
16 amended to read as follows:

17 (c) In performing its duties under this chapter, the council  
18 may:

19 (1) require a state agency to conduct a hearing,  
20 study, review, or cost estimate, including an agency in-house cost  
21 estimate or a management study, concerning any aspect of a service  
22 identified under Subsection (a);

23 (2) develop and require state agencies to use methods  
24 to accurately and fairly estimate and account for the cost of  
25 providing a service identified under Subsection (a);

26 (3) require that a service identified under Subsection  
27 (a) be submitted to competitive bidding or another process that

1 creates competition with private commercial sources;

2 (4) prescribe, after consulting affected state  
3 agencies, the specifications and conditions of purchase procedures  
4 that must be followed by the comptroller [~~commission~~] and a state  
5 agency or a private commercial source engaged in competitive  
6 bidding to provide a service identified under Subsection (a);

7 (5) award a contract to a state agency providing the  
8 service, another state agency, a private commercial source, or a  
9 combination of those entities, if the bidder presents the best and  
10 most reasonable bid, which is not necessarily the lowest bid; and

11 (6) determine the terms of a contract for service or  
12 interagency contract to provide a service identified under  
13 Subsection (a).

14 SECTION 1.29. Chapter 2163, Government Code, is amended by  
15 adding Sections 2163.0011 and 2163.0012 to read as follows:

16 Sec. 2163.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
17 powers and duties of the commission under this chapter are  
18 transferred to the comptroller.

19 (b) In this chapter, a reference to the commission means the  
20 comptroller.

21 Sec. 2163.0012. AUTHORITY TO ADOPT RULES. The comptroller  
22 may adopt rules to efficiently and effectively administer this  
23 chapter. Before adopting a rule under this section, the  
24 comptroller must conduct a public hearing regarding the proposed  
25 rule regardless of whether the requirements of Section 2001.029(b)  
26 are met.

27 SECTION 1.30. Subchapter A, Chapter 2165, Government Code,

1 is amended by adding Sections 2165.0011 and 2165.0012 to read as  
2 follows:

3 Sec. 2165.0011. DEFINITION. In this chapter, "commission"  
4 means the Texas Facilities Commission.

5 Sec. 2165.0012. AUTHORITY TO ADOPT RULES. The commission  
6 may adopt rules to efficiently and effectively administer this  
7 chapter.

8 SECTION 1.31. Section 2166.001, Government Code, is amended  
9 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
10 follows:

11 (1) "Commission" means the Texas Facilities  
12 Commission.

13 (1-a) "Construction" includes acquisition and  
14 reconstruction.

15 SECTION 1.32. Subchapter A, Chapter 2167, Government Code,  
16 is amended by adding Section 2167.0011 to read as follows:

17 Sec. 2167.0011. DEFINITION. In this chapter, "commission"  
18 means the Texas Facilities Commission.

19 SECTION 1.33. Subchapter A, Chapter 2170, Government Code,  
20 is amended by adding Sections 2170.0011 and 2170.0012 to read as  
21 follows:

22 Sec. 2170.0011. TRANSFER OF DUTIES; REFERENCE. (a) Any  
23 remaining powers and duties of the commission under this chapter  
24 are transferred to the comptroller.

25 (b) Subject to Section 2151.004(b), in this chapter a  
26 reference to the commission means the comptroller.

27 Sec. 2170.0012. AUTHORITY TO ADOPT RULES. The comptroller

1 may adopt rules to efficiently and effectively administer the  
2 comptroller's powers and duties under this chapter. Before  
3 adopting a rule under this section, the comptroller must conduct a  
4 public hearing regarding the proposed rule regardless of whether  
5 the requirements of Section 2001.029(b) are met.

6 SECTION 1.34. Subchapter A, Chapter 2171, Government Code,  
7 is amended by adding Section 2171.0011 to read as follows:

8 Sec. 2171.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
9 powers and duties of the commission under this chapter are  
10 transferred to the comptroller.

11 (b) In this chapter, a reference to the commission means the  
12 comptroller.

13 SECTION 1.35. Section 2171.002, Government Code, is amended  
14 to read as follows:

15 Sec. 2171.002. RULES. (a) The comptroller [~~commission~~]  
16 shall adopt rules to implement this chapter, including rules  
17 related to:

18 (1) the structure of the comptroller's [~~commission's~~]  
19 travel agency contracts;

20 (2) the procedures the comptroller [~~commission~~] uses  
21 in requesting and evaluating bids or proposals for travel agency  
22 contracts; and

23 (3) the use by state agencies of negotiated contract  
24 rates for travel services.

25 (b) Before adopting a rule under this section, the  
26 comptroller must conduct a public hearing regarding the proposed  
27 rule regardless of whether the requirements of Section 2001.029(b)

1 are met.

2 SECTION 1.36. Section 2171.056(e), Government Code, is  
3 amended to read as follows:

4 (e) The comptroller [~~commission~~] shall adopt rules related  
5 to exemptions from the prohibition prescribed by Subsection (b).  
6 [~~To facilitate the audit of the travel vouchers, the commission~~  
7 ~~shall consult with the comptroller before the commission adopts~~  
8 ~~rules or procedures under Subsection (b).~~]

9 SECTION 1.37. Chapter 2172, Government Code, is amended by  
10 adding Sections 2172.0011 and 2172.0012 to read as follows:

11 Sec. 2172.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
12 powers and duties of the commission under this chapter are  
13 transferred to the comptroller.

14 (b) In this chapter, a reference to the commission means the  
15 comptroller.

16 Sec. 2172.0012. AUTHORITY TO ADOPT RULES. The comptroller  
17 may adopt rules to efficiently and effectively administer this  
18 chapter. Before adopting a rule under this section, the  
19 comptroller must conduct a public hearing regarding the proposed  
20 rule regardless of whether the requirements of Section 2001.029(b)  
21 are met.

22 SECTION 1.38. Section 2175.001, Government Code, is amended  
23 by adding Subdivision (1-a) to read as follows:

24 (1-a) "Commission" means the Texas Facilities  
25 Commission.

26 SECTION 1.39. Subchapter A, Chapter 2176, Government Code,  
27 is amended by adding Section 2176.0011 to read as follows:



1           Sec. 2176.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
2 powers and duties of the commission under this chapter are  
3 transferred to the comptroller.

4           (b) In this chapter, a reference to the commission means the  
5 comptroller.

6           SECTION 1.40. Section 2176.053, Government Code, is amended  
7 to read as follows:

8           Sec. 2176.053. DELIVERY OF STATE WARRANTS. State warrants  
9 may be delivered in a manner agreed to by the comptroller [~~the~~  
10 ~~commission,~~] and the affected agency.

11           SECTION 1.41. Section 2176.110, Government Code, is amended  
12 to read as follows:

13           Sec. 2176.110. RULES. The comptroller [~~commission~~] shall  
14 adopt rules for state agencies to implement this chapter  
15 [~~subchapter~~]. Before adopting a rule under this section, the  
16 comptroller must conduct a public hearing regarding the proposed  
17 rule regardless of whether the requirements of Section 2001.029(b)  
18 are met.

19           SECTION 1.42. Subchapter A, Chapter 2177, Government Code,  
20 is amended by adding Sections 2177.0011 and 2177.0012 to read as  
21 follows:

22           Sec. 2177.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
23 powers and duties of the commission under this chapter are  
24 transferred to the comptroller.

25           (b) In this chapter, a reference to the commission means the  
26 comptroller.

27           Sec. 2177.0012. AUTHORITY TO ADOPT RULES. The comptroller

1 may adopt rules to efficiently and effectively administer this  
2 chapter. Before adopting a rule under this section, the  
3 comptroller must conduct a public hearing regarding the proposed  
4 rule regardless of whether the requirements of Section 2001.029(b)  
5 are met.

6 SECTION 1.43. Section 22.008(d), Government Code, is  
7 amended to read as follows:

8 (d) The reporter shall return the record, with briefs and  
9 opinions, to the clerk when the report is completed and from time to  
10 time shall deliver the reports to the comptroller [~~State Purchasing~~  
11 ~~and General Services Commission~~] for publication. Each volume  
12 shall be copyrighted in the name of the reporter, who immediately on  
13 delivery of the edition shall transfer and assign it to the state.  
14 The edition shall be electrotyped. The state owns the plates, and  
15 the comptroller [~~State Purchasing and General Services Commission~~]  
16 shall preserve them.

17 SECTION 1.44. Section 325.017(e), Government Code, is  
18 amended to read as follows:

19 (e) Unless the governor designates an appropriate state  
20 agency as prescribed by Subsection (f), property and records in the  
21 custody of an abolished state agency or advisory committee on  
22 September 1 of the even-numbered year after abolishment shall be  
23 transferred to the comptroller [~~State Purchasing and General~~  
24 ~~Services Commission~~]. If the governor designates an appropriate  
25 state agency, the property and records shall be transferred to the  
26 designated state agency.

27 SECTION 1.45. Section 403.251, Government Code, is amended

1 to read as follows:

2           Sec. 403.251. ADDITIONAL           DUTIES           OF           COMPTROLLER  
3 ~~[COMMISSION]~~.       The comptroller ~~[commission]~~ shall treat  
4 documentation submitted ~~[to the commission]~~ by a state agency as  
5 part of the procedure for replenishing a petty cash account as a  
6 proposed expenditure of appropriated funds.   The comptroller  
7 ~~[commission]~~ shall follow its usual procedures for reviewing  
8 purchases.   The comptroller ~~[commission]~~ shall give the agency a  
9 written approval or disapproval of each disbursement from the petty  
10 cash account.

11           SECTION 1.46.   Section 441.106, Government Code, is amended  
12 to read as follows:

13           Sec. 441.106.   PAYMENT FOR PRINTING OF STATE PUBLICATIONS.  
14 If a state agency's printing is done by contract, an account for the  
15 printing may not be approved and a warrant may not be issued unless  
16 the agency first furnishes to the comptroller ~~[Texas Building and~~  
17 ~~Procurement Commission]~~ a receipt from the state librarian for the  
18 publication or a written waiver from the state librarian exempting  
19 the publication from this subchapter.

20           SECTION 1.47.   Sections 441.194(a) and (b), Government Code,  
21 are amended to read as follows:

22           (a) Unless otherwise provided by law, the comptroller  
23 ~~[General Services Commission]~~ shall take custody of the records of  
24 a state agency that is abolished by the legislature and whose duties  
25 and responsibilities are not transferred to another state agency.

26           (b) Unless the requirement is waived by the state records  
27 administrator, the records management officer of the comptroller

1 [~~General Services Commission~~], or of another state agency that  
2 receives custody of the records pursuant to law, shall prepare and  
3 submit to the state archivist and the state records administrator a  
4 list of the records of the abolished state agency within 180 days of  
5 the effective date of the agency's abolition.

6 SECTION 1.48. Section 444.021(a), Government Code, is  
7 amended to read as follows:

8 (a) The commission shall:

9 (1) foster the development of a receptive climate for  
10 the arts that will culturally enrich and benefit state citizens in  
11 their daily lives;

12 (2) make visits and vacations to the state more  
13 appealing to the world;

14 (3) attract, through appropriate programs of  
15 publicity and education, additional outstanding artists to become  
16 state residents;

17 (4) direct activities such as the sponsorship of  
18 lectures and exhibitions and the central compilation and  
19 dissemination of information on the progress of the arts in the  
20 state;

21 (5) provide advice to the comptroller [~~General~~  
22 ~~Services Commission~~], Texas Historical Commission, Texas State  
23 Library, Texas Tourist Development Agency, Texas Department of  
24 Transportation, and other state agencies to provide a concentrated  
25 state effort in encouraging and developing an appreciation for the  
26 arts in the state;

27 (6) provide advice relating to the creation,

1 acquisition, construction, erection, or remodeling by the state of  
2 a work of art; and

3 (7) provide advice, on request of the governor,  
4 relating to the artistic character of buildings constructed,  
5 erected, or remodeled by the state.

6 SECTION 1.49. Section 465.0082, Government Code, is amended  
7 to read as follows:

8 Sec. 465.0082. PURCHASING RULES. The commission shall  
9 adopt rules to guide its purchases of supplies, materials,  
10 services, and equipment to carry out eligible undertakings as  
11 defined by Section 465.021. The commission shall use as a guide,  
12 whenever consistent with the commission's purposes, the rules of  
13 the comptroller [~~State Purchasing and General Services~~  
14 ~~Commission~~].

15 SECTION 1.50. Section 465.018(b), Government Code, is  
16 amended to read as follows:

17 (b) This section does not prohibit the commission from using  
18 the comptroller's purchasing [~~General Services Commission's~~  
19 services.

20 SECTION 1.51. Section 466.104, Government Code, is amended  
21 to read as follows:

22 Sec. 466.104. ASSISTANCE OF COMPTROLLER [~~GENERAL SERVICES~~  
23 ~~COMMISSION~~]. (a) On request of the executive director, the  
24 comptroller [~~General Services Commission~~] shall assist the  
25 executive director in;

26 (1) acquiring facilities, supplies, materials,  
27 equipment, and services under Subtitle D, Title 10; or

1           (2) establishing procedures for the executive  
2 director's accelerated acquisition of facilities, supplies,  
3 materials, equipment, and services for the operation of the  
4 lottery.

5           (b) The comptroller may request assistance from the Texas  
6 Facilities Commission in performing its facilities-related duties  
7 under this section.

8           SECTION 1.52. Section 481.027(f), Government Code, is  
9 amended to read as follows:

10           (f) The comptroller [~~General Services Commission~~] may, at  
11 the request of a state agency, provide to the agency services  
12 exempted from the application of Subtitle D, Title 10 under  
13 Subsection (e). Chapter 771 does not apply to services provided  
14 under this subsection. The comptroller [~~commission~~] shall  
15 establish a system of charges and billings that ensures recovery of  
16 the cost of providing the services and shall submit a purchase  
17 voucher or a journal voucher, after the close of each month, to the  
18 agency for which services were performed.

19           SECTION 1.53. Section 496.0515(b), Government Code, is  
20 amended to read as follows:

21           (b) The department shall promulgate procedures for the  
22 purpose of purchasing under Subsection (a). The department shall  
23 file copies of the procedures promulgated under this subsection  
24 with the comptroller [~~General Services Commission~~].

25           SECTION 1.54. Section 497.024(b), Government Code, is  
26 amended to read as follows:

27           (b) If the comptroller [~~General Services Commission~~]

1 determines that an article or product produced by the office under  
2 this subchapter does not meet the requirements of an agency of the  
3 state or a political subdivision, or that the office has determined  
4 that the office is unable to fill a requisition for an article or  
5 product, the agency or subdivision may purchase the article or  
6 product from another source.

7 SECTION 1.55. Sections 497.025(a) and (c), Government Code,  
8 are amended to read as follows:

9 (a) An agency of the state that purchases articles and  
10 products under this subchapter must requisition the purchase  
11 through the comptroller [~~General Services Commission~~] except for  
12 purchases of articles or products not included in an established  
13 contract. The purchase of articles or products not included in an  
14 established contract and that do not exceed the dollar limits  
15 established under Section 2155.132 may be acquired directly from  
16 the office on the agency's obtaining an informal or a formal  
17 quotation for the item and issuing a proper purchase order to the  
18 office. The comptroller [~~General Services Commission~~] and the  
19 department shall enter into an agreement to expedite the process by  
20 which agencies are required to requisition purchases of articles or  
21 products through the comptroller [~~commission~~].

22 (c) If an agency or political subdivision purchasing goods  
23 under this subchapter desires to purchase goods or articles from  
24 the office, it may do so without complying with any other state law  
25 otherwise requiring the agency or political subdivision to request  
26 competitive bids for the article or product. Nothing herein shall  
27 be interpreted to require a political subdivision to purchase goods

1 or articles from the office if the political subdivision determines  
2 that the goods or articles can be purchased elsewhere at a lower  
3 price. An agency may decline to purchase goods or articles from the  
4 office if the agency determines, after giving the office a final  
5 opportunity to negotiate on price, and the comptroller [~~General~~  
6 ~~Services Commission~~] certifies, that the goods or articles can be  
7 purchased elsewhere at a lower price.

8 SECTION 1.56. Section 497.026, Government Code, is amended  
9 to read as follows:

10 Sec. 497.026. PRICES. The office and the comptroller  
11 [~~General Services Commission~~] shall determine the sales price of  
12 articles and products produced under this subchapter.

13 SECTION 1.57. Section 497.027, Government Code, is amended  
14 to read as follows:

15 Sec. 497.027. SPECIFICATIONS. (a) The comptroller  
16 [~~General Services Commission~~] shall establish specifications for  
17 articles and products produced under this subchapter. An article  
18 or product produced under this subchapter must meet specifications  
19 established under this subsection in effect when the article or  
20 product is produced.

21 (b) The office may manufacture articles and products to meet  
22 commercial specifications for the article or product if the  
23 comptroller [~~General Services Commission~~] has not established  
24 specifications for the article or product and the comptroller  
25 [~~commission~~] approves the commercial specifications.

26 SECTION 1.58. Section 497.029, Government Code, is amended  
27 to read as follows:



1           Sec. 497.029. NEW ARTICLES AND PRODUCTS. The comptroller  
2 [~~General Services Commission~~] may request the office to produce  
3 additional articles or products under this subchapter.

4           SECTION 1.59. Section 497.030, Government Code, is amended  
5 to read as follows:

6           Sec. 497.030. COMPTROLLER [~~GENERAL SERVICES COMMISSION~~]  
7 REPORTS. (a) Not later than the 31st day before the first day of  
8 each fiscal year, the comptroller [~~General Services Commission~~]  
9 shall submit to the office a report that summarizes the types and  
10 amounts of articles and products sold under this subchapter in the  
11 preceding nine months.

12           (b) Not later than the 100th day after the last day of each  
13 fiscal year, the comptroller [~~General Services Commission~~] shall  
14 submit to the office a report that states the types and amounts of  
15 articles and products sold under this subchapter in the preceding  
16 fiscal year.

17           (c) A report submitted by the comptroller [~~General Services~~  
18 ~~Commission~~] under this section must describe the articles and  
19 products to the extent possible in the manner those articles and  
20 products are described in catalogs prepared under Section 497.028.

21           SECTION 1.60. Section 531.0312(b), Government Code, is  
22 amended to read as follows:

23           (b) The commission shall cooperate with the Records  
24 Management Interagency Coordinating Council and the comptroller  
25 [~~General Services Commission~~] to establish a single method of  
26 categorizing information about health and human services to be used  
27 by the Records Management Interagency Coordinating Council and the

1 Texas Information and Referral Network. The network, in  
2 cooperation with the council and the comptroller [~~General Services~~  
3 ~~Commission~~], shall ensure that:

4 (1) information relating to health and human services  
5 is included in each residential telephone directory published by a  
6 for-profit publisher and distributed to the public at minimal or no  
7 cost; and

8 (2) the single method of categorizing information  
9 about health and human services is used in a residential telephone  
10 directory described by Subdivision (1).

11 SECTION 1.61. Section 663.001(3), Government Code, is  
12 amended to read as follows:

13 (3) "Commission" means the Texas Facilities [~~General~~  
14 ~~Services~~] Commission.

15 SECTION 1.62. Sections 791.025(a) and (b), Government Code,  
16 are amended to read as follows:

17 (a) A local government, including a council of governments,  
18 may agree with another local government or with the state or a state  
19 agency, including the comptroller [~~General Services Commission~~],  
20 to purchase goods and services.

21 (b) A local government, including a council of governments,  
22 may agree with another local government, including a nonprofit  
23 corporation that is created and operated to provide one or more  
24 governmental functions and services, or with the state or a state  
25 agency, including the comptroller [~~General Services Commission~~],  
26 to purchase goods and any services reasonably required for the  
27 installation, operation, or maintenance of the goods. This

1 subsection does not apply to services provided by firefighters,  
2 police officers, or emergency medical personnel.

3 SECTION 1.63. Section 825.103(d), Government Code, is  
4 amended to read as follows:

5 (d) Notwithstanding any other law, the retirement system  
6 has exclusive authority over the purchase of goods and services  
7 using money other than money appropriated from the general revenue  
8 fund, including specifically money from trusts under the  
9 administration of the retirement system, and Subtitle D, Title 10,  
10 does not apply to the retirement system with respect to that money.  
11 The retirement system shall acquire goods or services by  
12 procurement methods approved by the board of trustees or the  
13 board's designee. For purposes of this subsection, goods and  
14 services include all professional and consulting services and  
15 utilities as well as supplies, materials, equipment, skilled or  
16 unskilled labor, and insurance. The comptroller [~~Texas Building  
17 and Procurement Commission~~] shall procure goods or services for the  
18 retirement system at the request of the retirement system, and the  
19 retirement system may use the services of the comptroller [~~that  
20 commission~~] in procuring goods or services.

21 SECTION 1.64. Section 2051.052, Government Code, is amended  
22 to read as follows:

23 Sec. 2051.052. CANCELLATION OF PUBLISHING CONTRACT. The  
24 comptroller [~~General Services Commission~~] or a district or county  
25 official required to publish a notice may cancel a contract  
26 executed by the comptroller [~~commission~~] or official for the  
27 publication if the comptroller [~~commission~~] or official determines

1 that the newspaper charges a rate higher than the legal rate.

2 SECTION 1.65. Section 2054.057(a), Government Code, is  
3 amended to read as follows:

4 (a) The department, with the cooperation of the  
5 comptroller [~~the General Services Commission~~] and other  
6 appropriate state agencies, shall develop and implement a program  
7 to train state agency personnel in effectively negotiating  
8 contracts for the purchase of information resources technologies.

9 SECTION 1.66. Section 2101.038, Government Code, is amended  
10 to read as follows:

11 Sec. 2101.038. DUTIES OF STATE AUDITOR. The state auditor,  
12 when reviewing the operation of a state agency, shall audit for  
13 compliance with the uniform statewide accounting system, the  
14 comptroller's rules, and the Legislative Budget Board's performance  
15 and workload measures. The state auditor shall also audit state  
16 agencies that make purchases that are exempted from the purchasing  
17 authority of the comptroller [~~General Services Commission~~] or that  
18 make purchases under delegated purchasing authority for compliance  
19 with applicable provisions of Subtitle D, except that this section  
20 does not require the state auditor to audit purchases made under  
21 Section 51.9335, Education Code, or made under Section 73.115,  
22 Education Code. The state auditor shall notify the comptroller,  
23 the governor, the lieutenant governor, the speaker of the house of  
24 representatives, and the Legislative Budget Board as soon as  
25 practicable when a state agency is not in compliance.

26 SECTION 1.67. Section 2103.032(a), Government Code, is  
27 amended to read as follows:

1           (a) The comptroller by rule may establish a system for state  
2 agencies to submit and approve electronically vouchers if the  
3 comptroller determines that the system will facilitate the  
4 operation and administration of the uniform statewide accounting  
5 system. The comptroller may establish an electronic method to  
6 approve a voucher submitted by a state agency [~~and may establish an~~  
7 ~~electronic system for the approval of vouchers by the General~~  
8 ~~Services Commission~~].

9           SECTION 1.68. Sections 2113.103(a), (c), and (d),  
10 Government Code, are amended to read as follows:

11           (a) A state agency should use the most cost-effective means  
12 of postal service available. A state agency may use appropriated  
13 money to purchase any form of mailing service available from the  
14 United States Postal Service that results in lower cost to the  
15 agency and affords service comparable in quality to other available  
16 postal services. The comptroller [~~General Services Commission~~]  
17 shall assist state agencies in determining the types and  
18 comparability of postal services available from the United States  
19 Postal Service.

20           (c) An agency other than an institution of higher education  
21 as defined by Section 61.003, Education Code, that spends for  
22 postage in a fiscal year an amount that exceeds the dollar amount  
23 set by the General Appropriations Act as the maximum expenditure  
24 for postage shall purchase or rent a postage meter machine and  
25 record all purchases of postage on the machine except purchases of  
26 postage for employees in field offices and traveling employees.  
27 The rental of a postage meter machine by a state agency, including

1 an institution of higher education, the legislature, or an agency  
2 in the legislative branch of state government, must be from a  
3 company approved by the comptroller [~~General Services Commission~~].  
4 The comptroller [~~General Services Commission~~] by rule shall adopt  
5 procedures for the renting entity to pay for postage.

6 (d) Subsection (b) does not apply to a reimbursement:

7 (1) to an authorized petty cash account;

8 (2) to a state employee for an emergency purchase of  
9 postage or emergency payment of post office box rent;

10 (3) that is received by a state agency for authorized  
11 services and is appropriated directly to the receiving agency; or

12 (4) under a contract for mailing services that may  
13 include postage, if the contract has been approved by the  
14 comptroller [~~General Services Commission~~].

15 SECTION 1.69. Section 2113.301(h), Government Code, is  
16 amended to read as follows:

17 (h) The comptroller [~~Texas Building and Procurement~~  
18 ~~Commission~~] shall appoint a task force to develop design  
19 recommendations that are to be used for state facilities and that  
20 encourage rain harvesting and water recycling by state agencies  
21 using appropriated money to finance a capital expenditure for a  
22 state facility purpose.

23 SECTION 1.70. Section 2203.005(b), Government Code, is  
24 amended to read as follows:

25 (b) The state agency shall file with the comptroller  
26 [~~General Services Commission~~] a copy of all contracts between the  
27 state agency and the vendor related to the vending machine and a

1 written description of the location of the vending machine.

2 SECTION 1.71. Sections 2205.004(a) and (c), Government  
3 Code, are amended to read as follows:

4 (a) The board is composed of:

5 (1) a member appointed by the governor;

6 (2) a member appointed by the lieutenant governor;

7 (3) a member appointed by the speaker of the house of  
8 representatives; and

9 (4) a representative of the comptroller [~~Texas~~  
10 ~~Building and Procurement Commission, designated from time to time~~  
11 ~~by the presiding officer of the commission~~].

12 (c) The representative of the comptroller [~~Texas Building~~  
13 ~~and Procurement Commission~~] is an ex officio, nonvoting member of  
14 the board and serves only in an advisory capacity.

15 SECTION 1.72. Section 2205.012(a), Government Code, is  
16 amended to read as follows:

17 (a) The board may employ and compensate staff as provided by  
18 legislative appropriation or may use staff provided by the  
19 comptroller [~~General Services Commission~~] or the state auditor's  
20 office.

21 SECTION 1.73. Section 2251.003, Government Code, is amended  
22 to read as follows:

23 Sec. 2251.003. RULES. The comptroller [~~General Services~~  
24 ~~Commission~~] shall establish procedures and adopt rules to  
25 administer this chapter[, ~~except that the commission may not~~  
26 ~~establish a procedure or adopt a rule that conflicts with a~~  
27 ~~procedure established or a rule adopted by the comptroller under~~

1 ~~Section 2251.026(i)]~~. Before adopting a rule under this section,  
2 the comptroller must conduct a public hearing regarding the  
3 proposed rule regardless of whether the requirements of Section  
4 2001.029(b) are met.

5 SECTION 1.74. Section 2252.003(a), Government Code, is  
6 amended to read as follows:

7 (a) The comptroller [~~General Services Commission~~] annually  
8 shall publish in the Texas Register:

9 (1) a list showing each state that regulates the award  
10 of a governmental contract to a bidder whose principal place of  
11 business is not located in that state; and

12 (2) the citation to and a summary of each state's most  
13 recent law or regulation relating to the evaluation of a bid from  
14 and award of a contract to a bidder whose principal place of  
15 business is not located in that state.

16 SECTION 1.75. Section 2254.040, Government Code, is amended  
17 to read as follows:

18 Sec. 2254.040. PROCUREMENT BY COMPTROLLER [~~GENERAL~~  
19 ~~SERVICES COMMISSION~~]. (a) The comptroller [~~General Services~~  
20 ~~Commission~~] may, on request of a state agency, procure for the  
21 agency consulting services that are covered by this subchapter.

22 (b) The comptroller [~~commission~~] may require reimbursement  
23 for the costs it incurs in procuring the services.

24 SECTION 1.76. Sections 2261.001(a) and (c), Government  
25 Code, are amended to read as follows:

26 (a) This chapter applies only to each procurement of goods  
27 or services made by a state agency that is neither made by the



1 comptroller [~~General Services Commission~~] nor made under  
2 purchasing authority delegated to the agency by or under Section  
3 51.9335 or 73.115, Education Code, or Section 2155.131 or[~~7~~]  
4 2155.132 [~~7 or 2155.133~~].

5 (c) The comptroller [~~General Services Commission~~] on  
6 request shall determine whether a procurement or type of  
7 procurement:

8 (1) is made under purchasing authority delegated to an  
9 agency by or under Section 2155.131 or[~~7~~] 2155.132 [~~7 or 2155.133~~];  
10 or

11 (2) is made under some other source of purchasing  
12 authority.

13 SECTION 1.77. Subchapter A, Chapter 2262, Government Code,  
14 is amended by adding Section 2262.0011 to read as follows:

15 Sec. 2262.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
16 powers and duties of the commission under this chapter are  
17 transferred to the comptroller.

18 (b) In this chapter, a reference to the commission means the  
19 comptroller.

20 SECTION 1.78. Section 2302.002, Government Code, is amended  
21 to read as follows:

22 Sec. 2302.002. COMPOSITION OF COUNCIL. The council is  
23 composed of:

24 (1) one representative with knowledge of cogeneration  
25 from each of the following agencies, appointed by and serving at the  
26 pleasure of the agency's presiding officer:

27 (A) the commission;

1 (B) the Railroad Commission of Texas; and  
2 (C) [~~the General Services Commission, and~~  
3 [~~D~~] the Texas Natural Resource Conservation  
4 Commission;

5 (2) one representative of the office of the attorney  
6 general, appointed by the attorney general;

7 (3) one representative of the comptroller, appointed  
8 by the comptroller; and

9 (4) [~~3~~] one representative of higher education,  
10 appointed by the governor.

11 SECTION 1.79. Section 12.029(c), Agriculture Code, is  
12 amended to read as follows:

13 (c) The department shall file the policies established  
14 under this section with the comptroller [~~State Purchasing and~~  
15 ~~General Services Commission~~] and with the Texas Department of  
16 Commerce or its successor in function. The comptroller  
17 [~~commission~~] shall conduct an analysis of the department's policies  
18 and the policies' effectiveness and shall report the analysis to  
19 the governor, lieutenant governor, and speaker of the house of  
20 representatives not later than December 31 of each even-numbered  
21 year.

22 SECTION 1.80. Section 13.112, Agriculture Code, is amended  
23 to read as follows:

24 Sec. 13.112. TESTS FOR STATE INSTITUTIONS. As requested by  
25 the comptroller [~~State Purchasing and General Services Commission~~]  
26 or the governing body of a state institution, the department shall  
27 test each weight or measure used by a state institution for any

1 purpose, including a weight or measure used in checking the receipt  
2 and distribution of supplies. The department shall report results  
3 of the test to the chairman of the governing body of the  
4 institution.

5 SECTION 1.81. Section 49.004(d), Agriculture Code, is  
6 amended to read as follows:

7 (d) Supplies, materials, services, and equipment purchased  
8 with funds obtained under this section are not subject to the  
9 purchasing [~~General Services Commission~~] authority of the  
10 comptroller.

11 SECTION 1.82. Section 201.105(c), Agriculture Code, is  
12 amended to read as follows:

13 (c) A conservation district may make any purchase of  
14 machinery or equipment through the comptroller [~~State Purchasing~~  
15 ~~and General Services Commission~~] under the terms and rules provided  
16 by law for purchases by the state or political subdivisions.

17 SECTION 1.83. Section 34.001, Education Code, is amended to  
18 read as follows:

19 Sec. 34.001. PURCHASE OF MOTOR VEHICLES. (a) A school  
20 district may purchase school motor vehicles through the comptroller  
21 [~~General Services Commission~~] or through competitive bidding under  
22 Subchapter B, Chapter 44.

23 (b) The comptroller [~~General Services Commission~~] may adopt  
24 rules as necessary to implement Subsection (a). Before adopting a  
25 rule under this subsection, the comptroller must conduct a public  
26 hearing regarding the proposed rule regardless of whether the  
27 requirements of Section 2001.029(b), Government Code, are met.

1 SECTION 1.84. Section 34.006, Education Code, is amended to  
2 read as follows:

3 Sec. 34.006. SALE OF BUSES. (a) At the request of a school  
4 district, the comptroller [~~General Services Commission~~] shall  
5 dispose of a school bus.

6 (b) A school district is not required to dispose of a school  
7 bus through the comptroller [~~General Services Commission~~].

8 SECTION 1.85. Section 106.54, Education Code, is amended to  
9 read as follows:

10 Sec. 106.54. BIENNIAL REPORT. True and full accounts shall  
11 be kept by the board and by the employees of the university of all  
12 funds collected from all sources by the university, all the sums  
13 paid out by it, and the persons to whom and the purposes for which  
14 the sums are paid. The board shall print biennially a complete  
15 report of all sums collected, all expenditures, and the sums  
16 remaining on hand. The report shall be printed in even-numbered  
17 years between September 1 and January 1. It shall show the true  
18 condition of all funds as of the preceding August 1, and shall show  
19 all collections and expenditures for the preceding two years. The  
20 board shall furnish copies of the report to the governor,  
21 comptroller, state auditor, and attorney general [~~and not less~~  
22 ~~than three copies to the General Services Commission~~]. The board  
23 shall furnish a copy to each member of the House Appropriations  
24 Committee, the Senate Finance Committee, and the House and Senate  
25 committees on education of each regular session of the legislature  
26 within one week after the committees are appointed.

27 SECTION 1.86. Section 107.66, Education Code, is amended to

1 read as follows:

2           Sec. 107.66. REQUISITION OF FURNISHINGS, EQUIPMENT, ETC.  
3 The board may make requisition to the comptroller [~~General Services~~  
4 ~~Commission~~] for furniture, furnishings, equipment, and  
5 appointments required for the proper use and enjoyment of  
6 improvements erected by the board, and the comptroller [~~General~~  
7 ~~Services Commission~~] may purchase and pay for the furnishings,  
8 equipment, and appointments.

9           SECTION 1.87. Section 141.003(c), Education Code, is  
10 amended to read as follows:

11           (c) Supplies, materials, services, and equipment purchased  
12 with these funds shall not be subject to the purchasing [~~State~~  
13 ~~Purchasing and General Services Commission~~] authority of the  
14 comptroller.

15           SECTION 1.88. Section 142.004(e), Education Code, is  
16 amended to read as follows:

17           (e) Supplies, materials, services, and equipment purchased  
18 with these funds shall not be subject to the purchasing [~~State~~  
19 ~~Purchasing and General Services Commission~~] authority of the  
20 comptroller.

21           SECTION 1.89. Section 143.005(f), Education Code, is  
22 amended to read as follows:

23           (f) Supplies, materials, services, and equipment purchased  
24 with these funds shall not be subject to the purchasing [~~State~~  
25 ~~Purchasing and General Services Commission~~] authority of the  
26 comptroller.

27           SECTION 1.90. Section 152.004(e), Education Code, is

1 amended to read as follows:

2 (e) Supplies, materials, services, or equipment purchased  
3 by a public junior college or public technical institute with money  
4 received under this chapter are not subject to the purchasing  
5 authority of the comptroller [~~General Services Commission~~].

6 SECTION 1.91. Section 361.423, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 361.423. RECYCLING MARKET DEVELOPMENT IMPLEMENTATION  
9 PROGRAM. (a) The commission, the comptroller [~~Texas Building and~~  
10 ~~Procurement Commission~~], and other consenting state agencies as  
11 appropriate shall regularly coordinate the recycling activities of  
12 state agencies and shall each pursue an economic development  
13 strategy that focuses on the state's waste management priorities  
14 established by Section 361.022 and that includes development of  
15 recycling industries and markets as an integrated component.

16 (b) The commission and the comptroller [~~Texas Building and~~  
17 ~~Procurement Commission~~], on an ongoing basis, shall jointly:

18 (1) identify existing economic and regulatory  
19 incentives and disincentives for creating an optimal market  
20 development strategy;

21 (2) analyze or take into consideration the market  
22 development implications of:

23 (A) the state's waste management policies and  
24 regulations;

25 (B) existing and potential markets for plastic,  
26 glass, paper, lead-acid batteries, tires, compost, scrap gypsum,  
27 coal combustion by-products, and other recyclable materials; and

1 (C) the state's tax structure and overall  
2 economic base;

3 (3) examine and make policy recommendations regarding  
4 the need for changes in or the development of:

5 (A) economic policies that affect  
6 transportation, such as those embodied in freight rate schedules;

7 (B) tax incentives and disincentives;

8 (C) the availability of financial capital  
9 including grants, loans, and venture capital;

10 (D) enterprise zones;

11 (E) managerial and technical assistance;

12 (F) job-training programs;

13 (G) strategies for matching market supply and  
14 market demand for recyclable materials, including intrastate and  
15 interstate coordination;

16 (H) the state recycling goal;

17 (I) public-private partnerships;

18 (J) research and development;

19 (K) government procurement policies;

20 (L) educational programs for the public,  
21 corporate and regulated communities, and government entities; and

22 (M) public health and safety regulatory  
23 policies;

24 (4) establish a comprehensive statewide strategy to  
25 expand markets for recycled products in Texas;

26 (5) provide information and technical assistance to  
27 small and disadvantaged businesses, business development centers,

1 chambers of commerce, educational institutions, and nonprofit  
2 associations on market opportunities in the area of recycling; and

3 (6) with the cooperation of the Office of  
4 State-Federal Relations, assist communities and private entities  
5 in identifying state and federal grants pertaining to recycling and  
6 solid waste management.

7 (c) In carrying out this section, the commission and the  
8 comptroller [~~Texas Building and Procurement Commission~~] may obtain  
9 research and development and technical assistance from the  
10 Hazardous Waste Research Center at Lamar University at Beaumont or  
11 other similar institutions.

12 (d) In carrying out this section, the commission and the  
13 comptroller [~~Texas Building and Procurement Commission~~] shall  
14 utilize the pollution prevention advisory committee as set out in  
15 Section 361.0215 of the Health and Safety Code.

16 SECTION 1.92. Section 361.425(a), Health and Safety Code,  
17 is amended to read as follows:

18 (a) A state agency, state court or judicial agency, a  
19 university system or institution of higher education, a county,  
20 municipality, school district, or special district shall:

21 (1) in cooperation with the comptroller [~~General~~  
22 ~~Services Commission~~] or the commission establish a program for the  
23 separation and collection of all recyclable materials generated by  
24 the entity's operations, including, at a minimum, aluminum, steel  
25 containers, aseptic packaging and polycoated paperboard cartons,  
26 high-grade office paper, and corrugated cardboard;

27 (2) provide procedures for collecting and storing



1 recyclable materials, containers for recyclable materials, and  
2 procedures for making contractual or other arrangements with buyers  
3 of recyclable materials;

4 (3) evaluate the amount of recyclable material  
5 recycled and modify the recycling program as necessary to ensure  
6 that all recyclable materials are effectively and practicably  
7 recycled; and

8 (4) establish educational and incentive programs to  
9 encourage maximum employee participation.

10 SECTION 1.93. Section 361.427(a), Health and Safety Code,  
11 is amended to read as follows:

12 (a) The commission, in consultation with the comptroller  
13 [~~General Services Commission~~], shall promulgate rules to establish  
14 guidelines which specify the percent of the total content of a  
15 product which must consist of recycled material for the product to  
16 be a "recycled product."

17 SECTION 1.94. Section 841.083(c-2), Health and Safety  
18 Code, is amended to read as follows:

19 (c-2) If the equipment necessary to implement the tracking  
20 service is available through a contract entered into by the  
21 comptroller [~~Texas Building and Procurement Commission~~], the  
22 Department of Public Safety or the council, as appropriate, shall  
23 acquire that equipment through that contract.

24 SECTION 1.95. Section 32.044(d), Human Resources Code, is  
25 amended to read as follows:

26 (d) The department with the assistance of the Health and  
27 Human Services Commission and the comptroller [~~General Services~~

1 ~~Commission]~~ shall adopt rules under this section that allow the  
2 public or private hospital to make purchases through group  
3 purchasing programs except when the department has reason to  
4 believe that a better value is available through another  
5 procurement method.

6 SECTION 1.96. Section 111.0553(a), Human Resources Code, is  
7 amended to read as follows:

8 (a) The commission shall develop and, following review and  
9 approval by the board, implement agency-wide procurement  
10 procedures to:

11 (1) ensure compliance with the best-value purchasing  
12 requirements of Section 2155.144(c), Government Code;

13 (2) document that a best-value review of vendors has  
14 occurred;

15 (3) document the reasons for selecting a vendor;

16 (4) negotiate price discounts with high-volume  
17 vendors;

18 (5) consolidate purchases with other agencies,  
19 including the Texas Department of Health and the comptroller  
20 [~~General Services Commission~~], to achieve best value; and

21 (6) provide effective public notification to  
22 potential vendors of planned commission purchases.

23 SECTION 1.97. Chapter 122, Human Resources Code, is amended  
24 by adding Section 122.0011 to read as follows:

25 Sec. 122.0011. TRANSFER OF DUTIES; REFERENCE. (a) The  
26 powers and duties of the commission under this chapter are  
27 transferred to the comptroller.

1           (b) In this chapter, a reference to the commission means the  
2 comptroller.

3           SECTION 1.98. Article 21A.0135(a), Insurance Code, is  
4 amended to read as follows:

5           (a) The receiver shall use a competitive bidding process in  
6 the selection of any special deputies appointed under Section  
7 21A.102 or 21A.154. The process must include procedures to promote  
8 the participation of historically underutilized businesses that  
9 have been certified by the comptroller [~~Texas Building and~~  
10 ~~Procurement Commission~~] under Section 2161.061, Government Code.

11           SECTION 1.99. Sections 201.007(b), (c), (f), and (g), Local  
12 Government Code, are amended to read as follows:

13           (b) After the settlement of the outstanding indebtedness of  
14 an abolished municipality and the satisfaction of the other  
15 applicable requirements of Chapter 62, Local Government Code, the  
16 municipality's governing body at the time the municipality is  
17 abolished, or the receiver or trustees if appointed by a court,  
18 shall transfer the records of the municipality to the custody of the  
19 comptroller [~~General Services Commission~~]. A record of an abolished  
20 municipality may not be sold to satisfy an outstanding  
21 indebtedness.

22           (c) After the settlement of the outstanding indebtedness of  
23 an abolished special-purpose district or authority, other than a  
24 school district, and the satisfaction of the other applicable  
25 requirements of state law establishing or permitting the  
26 establishment of the district or authority or governing its  
27 abolition, the district's governing body at the time the district

1 is abolished shall transfer the records of the district to the  
2 custody of the comptroller [~~General Services Commission~~]. A record  
3 of an abolished special-purpose district or authority may not be  
4 sold to satisfy an outstanding indebtedness.

5 (f) The cost of the transfer of records to the comptroller  
6 [~~General Services Commission~~] under this section shall be paid for  
7 out of the funds of the abolished local government. If funds of the  
8 local government are not available for this purpose, the cost of the  
9 transfer shall be paid out of the funds of the comptroller [~~General~~  
10 ~~Services Commission~~].

11 (g) The records retention schedules issued by the  
12 commission shall be used, as far as practicable, as the basis for  
13 the retention and disposition of local government records  
14 transferred to the custody of the comptroller [~~General Services~~  
15 ~~Commission~~] under this section.

16 SECTION 1.100. Section 252.0215, Local Government Code, is  
17 amended to read as follows:

18 Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO  
19 HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an  
20 expenditure of more than \$3,000 but less than \$25,000, shall  
21 contact at least two historically underutilized businesses on a  
22 rotating basis, based on information provided by the comptroller  
23 [~~General Services Commission~~] pursuant to Chapter 2161, Government  
24 Code. If the list fails to identify a historically underutilized  
25 business in the county in which the municipality is situated, the  
26 municipality is exempt from this section.

27 SECTION 1.101. The heading to Section 262.002, Local

1 Government Code, is amended to read as follows:

2           Sec. 262.002. AUTHORITY TO PURCHASE ROAD EQUIPMENT AND  
3 TIRES THROUGH COMPTROLLER [~~STATE PURCHASING AND GENERAL SERVICES~~  
4 ~~COMMISSION~~].

5           SECTION 1.102. Section 262.002(a), Local Government Code,  
6 is amended to read as follows:

7           (a) The commissioners court of a county may purchase through  
8 the comptroller [~~State Purchasing and General Services Commission~~]  
9 road machinery and equipment, tires, and tubes to be used by the  
10 county.

11           SECTION 1.103. Section 271.082, Local Government Code, is  
12 amended to read as follows:

13           Sec. 271.082. PURCHASING PROGRAM. (a) The comptroller  
14 [~~State Purchasing and General Services Commission~~] shall establish  
15 a program by which the comptroller [~~commission~~] performs purchasing  
16 services for local governments. The services must include:

17           (1) the extension of state contract prices to  
18 participating local governments when the comptroller [~~commission~~]  
19 considers it feasible;

20           (2) solicitation of bids on items desired by local  
21 governments if the solicitation is considered feasible by the  
22 comptroller [~~commission~~] and is desired by the local government;  
23 and

24           (3) provision of information and technical assistance  
25 to local governments about the purchasing program.

26           (b) The comptroller [~~commission~~] may charge a participating  
27 local government an amount not to exceed the actual costs incurred

1 by the comptroller [~~commission~~] in providing purchasing services to  
2 the local government under the program.

3 (c) The comptroller [~~commission~~] may adopt rules and  
4 procedures necessary to administer the purchasing program. Before  
5 adopting a rule under this subsection, the comptroller must conduct  
6 a public hearing regarding the proposed rule regardless of whether  
7 the requirements of Section 2001.029(b), Government Code, are met.

8 SECTION 1.104. Section 113.283(a), Natural Resources Code,  
9 is amended to read as follows:

- 10 (a) The council is composed of the following individuals:  
11 (1) the commissioner of the General Land Office;  
12 (2) the members of the Railroad Commission of Texas;  
13 (3) the comptroller [~~chairman of the General Services~~  
14 ~~Commission~~]; and  
15 (4) the chairman of the Texas Natural Resource  
16 Conservation Commission.

17 SECTION 1.105. Section 161.020, Natural Resources Code, is  
18 amended to read as follows:

19 Sec. 161.020. PURCHASE OF SUPPLIES. The board may purchase  
20 at state expense through the comptroller [~~board of control~~]  
21 supplies, including stationery, stamps, printing, record books,  
22 and other things that may be needed to carry on the board's  
23 functions as a state agency in performing the duties imposed by this  
24 chapter.

25 SECTION 1.106. Section 12.008(c), Parks and Wildlife Code,  
26 is amended to read as follows:

27 (c) The comptroller [~~State Purchasing and General Services~~

1 ~~Commission~~] shall execute any sale of products under this section  
2 under the general law governing the sale of state property;  
3 however, the department shall determine the quantity of products to  
4 be offered for sale and the consideration in lieu of money to be  
5 received under the sale. The department may lease grazing or  
6 farming rights under this section. In leasing the rights, the  
7 department must follow a competitive bidding procedure.

8 SECTION 1.107. Section 81.404(b), Parks and Wildlife Code,  
9 is amended to read as follows:

10 (b) Contracts for the removal of fur-bearing animals and  
11 reptiles shall be entered into under the direction of the  
12 comptroller [~~State Purchasing and General Services Commission~~] in  
13 the manner provided by general law for the sale of state property,  
14 except that the department shall determine the means, methods, and  
15 quantities of fur-bearing animals and reptiles to be taken, and the  
16 department may accept or reject any bid received by the comptroller  
17 [~~State Purchasing and General Services Commission~~].

18 SECTION 1.108. Section 111.0035(f), Tax Code, is amended to  
19 read as follows:

20 (f) Except as provided by Subsection (g), the comptroller  
21 shall award a contract made under this section through a  
22 competitive bidding process that complies with Section 2155.132,  
23 Government Code[, ~~and the rules adopted by the General Services~~  
24 ~~Commission relating to delegated purchases~~]. If the comptroller  
25 receives not more than three bids through the competitive bidding  
26 process, the comptroller shall report the number of bidders to the  
27 Legislative Budget Board before awarding the contract.

1 SECTION 1.109. Section 111.0036(f), Tax Code, is amended to  
2 read as follows:

3 (f) Except as provided by Subsection (g), the comptroller  
4 shall award a contract made under this section through a  
5 competitive bidding process that complies with Section 2155.132,  
6 Government Code[, and the rules adopted by the General Services  
7 ~~Commission relating to delegated purchases~~]. If the comptroller  
8 receives not more than three bids through the competitive bidding  
9 process, the comptroller shall report the number of bidders to the  
10 Legislative Budget Board before awarding the contract.

11 SECTION 1.110. Section 201.706, Transportation Code, is  
12 amended to read as follows:

13 Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From  
14 appropriated funds, the department shall assist counties with  
15 materials to repair and maintain county roads. The department  
16 shall:

17 (1) provide that the total annual value of assistance  
18 under this section is:

19 (A) at least \$12 million per year for fiscal  
20 years 1998 and 1999; and

21 (B) at least \$6 million per year for a fiscal year  
22 other than 1998 or 1999;

23 (2) make maximum usage of surplus materials on hand;

24 (3) develop rules and procedures to implement this  
25 section and to provide for the distribution of the assistance with  
26 preference given to counties with an above average number of  
27 overweight trucks receiving weight tolerance permits based on the



1 previous year's permit totals; and

2 (4) undertake cooperative and joint procurement of  
3 road materials with counties under [~~General Services Commission~~]  
4 procedures of the comptroller.

5 SECTION 1.111. Section 202.082(b), Transportation Code, is  
6 amended to read as follows:

7 (b) Disposal of reclaimed asphalt pavement under this  
8 section is not subject to:

9 (1) Chapter 2175, Government Code; or

10 (2) the statutory or regulatory authority of the  
11 comptroller formerly exercised by the General Services Commission.

12 SECTION 1.112. Section 223.041(b), Transportation Code, is  
13 amended to read as follows:

14 (b) The department, in setting a minimum level of  
15 expenditures in these engineering-related activities that will be  
16 paid to the private sector providers, shall provide that the  
17 expenditure level for a state fiscal year in all strategies paid to  
18 private sector providers for all department engineering-related  
19 services for transportation projects is not less than 35 percent of  
20 the total funds appropriated in Strategy A.1.1. Plan/Design/Manage  
21 and Strategy A.1.2. of the General Appropriations Act for that  
22 state fiscal biennium. The department shall attempt to make  
23 expenditures for engineering-related services with private sector  
24 providers under this subsection with historically underutilized  
25 businesses, as defined by Section 2161.001, Government Code, in an  
26 amount consistent with the applicable provisions of the Government  
27 Code, any applicable state disparity study, and in accordance with

1 the good-faith-effort procedures outlined in the rules adopted by  
2 the comptroller [~~Texas Building and Procurement Commission~~].

3 SECTION 1.113. Section 502.052(c), Transportation Code, is  
4 amended to read as follows:

5 (c) To promote highway safety, each license plate shall be  
6 made with a reflectorized material that provides effective and  
7 dependable brightness for the period for which the plate is issued.  
8 The purchase of reflectorized material shall be submitted to the  
9 comptroller [~~General Services Commission~~] for approval.

10 SECTION 1.114. Section 502.053(b), Transportation Code, is  
11 amended to read as follows:

12 (b) When manufacturing is started, the Texas Department of  
13 Criminal Justice, the Texas Department of Transportation, and the  
14 comptroller [~~Texas Building and Procurement Commission~~], after  
15 negotiation, shall set the price to be paid for each license plate  
16 or insignia. The price must be determined from:

- 17 (1) the cost of metal, paint, and other materials  
18 purchased;
- 19 (2) the inmate maintenance cost per day;
- 20 (3) overhead expenses;
- 21 (4) miscellaneous charges; and
- 22 (5) a previously approved amount of profit for the  
23 work.

24 SECTION 1.115. Section 14.058, Utilities Code, is amended  
25 to read as follows:

26 Sec. 14.058. FEES FOR ELECTRONIC ACCESS TO INFORMATION.  
27 The fees charged by the commission for electronic access to

1 information that is stored in the system established by the  
2 commission using funds from the Texas Public Finance Authority and  
3 approved by the Department of Information Resources shall be  
4 established:

5 (1) by the commission in consultation with the  
6 comptroller [~~General Services Commission~~]; and

7 (2) in an amount reasonable and necessary to retire  
8 the debt to the Texas Public Finance Authority associated with  
9 establishing the electronic access system.

10 SECTION 1.116. Section 222.004(v), Water Code, is amended  
11 to read as follows:

12 (v) The authority may enter into contracts with this state  
13 through the comptroller [~~Texas Building and Procurement~~  
14 ~~Commission~~] providing for direct sale by the authority of  
15 electrical power to this state for use in buildings or other  
16 facilities owned, leased, or rented by this state in Travis County.

17 SECTION 1.117. The following provisions of the Government  
18 Code are repealed:

- 19 (1) Section 403.241(1);
- 20 (2) Section 2103.063;
- 21 (3) Section 2152.003;
- 22 (4) Section 2152.104(c);
- 23 (5) Sections 2155.323(c) and (d); and
- 24 (6) Section 2161.002(b).

25 SECTION 1.118. Section 12.014(b), Agriculture Code, is  
26 repealed.

27 SECTION 1.119. On the effective date of this Act, the Texas

1 Building and Procurement Commission is renamed the Texas Facilities  
2 Commission.

3 SECTION 1.120. (a) The Texas Facilities Commission retains  
4 the powers and duties of the former Texas Building and Procurement  
5 Commission that relate to charge and control of state buildings,  
6 grounds, or property, to maintenance or repair of state buildings,  
7 grounds, or property, to child care services for state employees  
8 under Chapter 663, Government Code, to surplus and salvage  
9 property, to construction of a state building, or to the purchase or  
10 lease of buildings, grounds, or property by or for the state.

11 (a-1) Except as otherwise provided by this Act or other law,  
12 all other powers and duties of the Texas Building and Procurement  
13 Commission are transferred to the comptroller.

14 (b) All employees of the Texas Building and Procurement  
15 Commission who primarily perform duties related to an activity  
16 described by Subsection (a) of this section, including employees  
17 who provide administrative support for those services, remain  
18 employees of the Texas Facilities Commission.

19 (b-1) All other employees of the Texas Building and  
20 Procurement Commission are transferred to the office of the  
21 comptroller. A management employee of the Texas Building and  
22 Procurement Commission who is transferred to the office of the  
23 comptroller under this subsection does not automatically continue  
24 to hold the person's management position. To hold the management  
25 position on other than an interim basis, the person must apply for  
26 the position with the comptroller.

27 (c) A rule, form, policy, procedure, or decision of the

1 Texas Building and Procurement Commission that is related to an  
2 activity described by Subsection (a) of this section continues in  
3 effect as a rule, form, policy, procedure, or decision of the Texas  
4 Facilities Commission.

5 (c-1) A rule, form, policy, procedure, or decision of the  
6 Texas Building and Procurement Commission that is related to an  
7 activity transferred by this Act to the comptroller continues in  
8 effect as a rule, form, policy, procedure, or decision of the  
9 comptroller until superseded by an act of the comptroller.

10 (d) A court case, administrative proceeding, contract  
11 negotiation, or other proceeding involving the Texas Building and  
12 Procurement Commission that is related to an activity described by  
13 Subsection (a) of this section is unaffected by the change in name  
14 of the agency.

15 (d-1) A court case, administrative proceeding, contract  
16 negotiation, or other proceeding involving the Texas Building and  
17 Procurement Commission that is related to an activity transferred  
18 by this Act to the comptroller is transferred without change in  
19 status to the comptroller, and the comptroller assumes, without a  
20 change in status, the position of the Texas Building and  
21 Procurement Commission in a negotiation or proceeding relating to  
22 an activity transferred by this Act to the comptroller to which the  
23 Texas Building and Procurement Commission is a party.

24 (e) All money, contracts, leases, rights, bonds, and  
25 obligations of the Texas Building and Procurement Commission  
26 related to an activity described by Subsection (a) of this section  
27 remain with the Texas Facilities Commission.

1           (e-1) All money, contracts, memoranda of understanding,  
2 leases, rights, bonds, and obligations of the Texas Building and  
3 Procurement Commission related to an activity transferred by this  
4 Act to the comptroller are transferred to the comptroller.

5           (f) All personal property, including records, in the  
6 custody of the Texas Building and Procurement Commission related to  
7 an activity described by Subsection (a) of this section remains the  
8 property of the Texas Facilities Commission.

9           (f-1) All personal property, including records, in the  
10 custody of the Texas Building and Procurement Commission related to  
11 an activity transferred by this Act to the comptroller becomes the  
12 property of the comptroller.

13           (g) All funds appropriated by the legislature to the Texas  
14 Building and Procurement Commission for an activity described by  
15 Subsection (a) of this section, including funds for providing  
16 administrative support for those services, continue as  
17 appropriations to the Texas Facilities Commission.

18           (g-1) All funds appropriated by the legislature to the Texas  
19 Building and Procurement Commission for an activity transferred by  
20 this Act to the comptroller, including funds for providing  
21 administrative support for those services, are transferred to the  
22 comptroller.

23           SECTION 1.121. In accordance with Section 1.120 of this  
24 article, the comptroller and the Texas Facilities Commission shall  
25 adopt a memorandum of understanding that identifies and allocates  
26 between the office of the comptroller and the Texas Facilities  
27 Commission the powers, duties, property, employees,

1 appropriations, and other items transferred under Section 1.120.

2 The memorandum of understanding must also:

3 (1) identify and allocate between the office of the  
4 comptroller and the Texas Facilities Commission the employees and  
5 real and personal property of the Texas Building and Procurement  
6 Commission, including space in the central administrative offices  
7 of the commission, used to generally support the activities of the  
8 Texas Building and Procurement Commission; and

9 (2) provide a timetable for any necessary or advisable  
10 movement of the physical location of employees and property.

11 SECTION 1.122. Sections 2155.086 and 2155.087, Government  
12 Code, as added by this Act, apply only to a contract for which the  
13 solicitation of bids or proposals or similar expressions of  
14 interest is published on or after September 1, 2007. A contract for  
15 which the solicitation of bids or proposals or similar expressions  
16 of interest is published before September 1, 2007, is governed by  
17 the law in effect on the date the solicitation of bids or proposals  
18 or similar expressions of interest is published, and the former law  
19 is continued in effect for that purpose.

20 ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

21 SECTION 2.01. Section 35.102(c), Business & Commerce Code,  
22 is amended to read as follows:

23 (c) This section does not apply to the Department of  
24 Information Resources [~~General Services Commission~~], in its  
25 capacity as the telecommunications provider for the state, and an  
26 institution of higher education, as that term is defined by Section  
27 61.003, Education Code, that provides interactive computer

1 service.

2 SECTION 2.02. Section 44.031(i), Education Code, is amended  
3 to read as follows:

4 (i) A school district may acquire computers and  
5 computer-related equipment, including computer software, through  
6 the Department of Information Resources [~~General Services~~  
7 ~~Commission~~] under contracts entered into in accordance with Chapter  
8 2054 or 2157, Government Code. Before issuing an invitation for  
9 bids, the department [~~commission~~] shall consult with the agency  
10 concerning the computer and computer-related equipment needs of  
11 school districts. To the extent possible the resulting contract  
12 shall provide for such needs.

13 SECTION 2.03. Section 2054.123(a), Government Code, is  
14 amended to read as follows:

15 (a) The department, in consultation with the [~~Texas~~  
16 ~~Building and Procurement Commission, the~~] state auditor[~~r~~] and the  
17 comptroller, shall create an interagency panel of representatives  
18 appointed by those agencies and officers to coordinate and maintain  
19 a training program to assist state agencies in performing software  
20 audits, managing software, and purchasing software and software  
21 licenses. Each state agency shall cooperate with the panel in the  
22 evaluation of the agency's needs for software management and shall  
23 donate agency resources to the evaluation of the agency as the panel  
24 requires.

25 SECTION 2.04. Section 2054.201, Government Code, is amended  
26 to read as follows:

27 Sec. 2054.201. COMPOSITION; TERMS. (a) The



1 telecommunications planning and oversight council is composed of:

2 (1) a representative of the comptroller's office,  
3 appointed by the comptroller;

4 (2) the executive director of the Telecommunications  
5 Infrastructure Fund Board;

6 (3) a representative of the department [~~Texas Building~~  
7 ~~and Procurement Commission~~], appointed by the executive director of  
8 the department [~~commission~~];

9 (4) a member representing the interests of state  
10 agencies with 1,000 employees or more, appointed by the lieutenant  
11 governor;

12 (5) a member representing the interests of state  
13 agencies with fewer than 1,000 employees, appointed by the speaker  
14 of the house of representatives;

15 (6) a member representing the interests of  
16 institutions of higher education, appointed by the commissioner of  
17 higher education;

18 (7) a member representing the interests of The  
19 University of Texas System, appointed by the chancellor;

20 (8) a member representing the interests of The Texas  
21 A&M University System, appointed by the chancellor;

22 (9) a member representing the interests of public  
23 school districts that are customers of the consolidated  
24 telecommunications system, appointed by the governor;

25 (10) a member representing the interests of local  
26 governments that are customers of the consolidated  
27 telecommunications system, appointed by the governor;

1           (11) two public members with telecommunications  
2 expertise, appointed by the governor; and

3           (12) a representative of the Health and Human Services  
4 Commission, appointed by the commissioner of health and human  
5 services.

6           (b) Appointed members of the telecommunications planning  
7 and oversight council serve staggered two-year terms, with the  
8 terms of four or five members expiring August 31 each year, except  
9 that:

10           (1) the representative of the comptroller's office  
11 serves at the discretion of the comptroller;

12           (2) the representative of the department [~~Texas~~  
13 ~~Building and Procurement Commission~~] serves at the discretion of  
14 the executive director of the department [~~commission~~]; and

15           (3) the representative of the Health and Human  
16 Services Commission serves at the discretion of the commissioner of  
17 health and human services.

18           SECTION 2.05. Sections 2054.304(b) and (c), Government  
19 Code, are amended to read as follows:

20           (b) Except as provided by Subsection (c), the state agency  
21 must file the project plan with the quality assurance team and the  
22 department [~~Texas Building and Procurement Commission~~] before the  
23 agency:

24           (1) spends more than 10 percent of allocated funds for  
25 the project; or

26           (2) first issues a vendor solicitation for the  
27 project.

1 (c) Unless the project plan has been filed under this  
2 section:

3 (1) [~~the Texas Building and Procurement Commission may~~  
4 ~~not issue~~] a vendor solicitation may not be issued for the project;  
5 and

6 (2) the agency may not post a vendor solicitation for  
7 the project in the state business daily under Section 2155.083.

8 SECTION 2.06. Section 771.031(b), Health and Safety Code,  
9 is amended to read as follows:

10 (b) The following individuals serve as nonvoting ex officio  
11 members:

12 (1) the executive director of the Public Utility  
13 Commission of Texas, or an individual designated by the executive  
14 director;

15 (2) the executive director of the Department of  
16 Information Resources [~~General Services Commission~~], or an  
17 individual designated by the executive director; and

18 (3) the commissioner of public health, or an  
19 individual who has responsibility for the poison control network  
20 designated by the commissioner.

21 SECTION 2.07. Section 771.0711(e), Health and Safety Code,  
22 is amended to read as follows:

23 (e) A member of the commission, the governing body of a  
24 public agency, or the Department of Information Resources [~~General~~  
25 ~~Services Commission~~] is not liable for any claim, damage, or loss  
26 arising from the provision of wireless 9-1-1 service unless the act  
27 or omission causing the claim, damage, or loss violates a statute or

1 ordinance applicable to the action.

2 SECTION 2.08. Section 55.203(f), Utilities Code, is amended  
3 to read as follows:

4 (f) The Department of Information Resources [~~General~~  
5 ~~Services Commission~~] shall cooperate with the commission and with  
6 publishers to ensure that the subject matter listing of programs  
7 and telephone numbers in the telephone directories are consistent  
8 with the categorization developed by the Records Management  
9 Interagency Coordinating Council under Section 441.203(j),  
10 Government Code.

11 ARTICLE 3. CONFORMING AMENDMENTS; MISCELLANEOUS

12 SECTION 3.01. Section 201.002(b), Transportation Code, is  
13 amended to read as follows:

14 (b) The comptroller [~~General Services Commission~~] shall  
15 contract for equipment and supplies, including seals and number  
16 plates, required by law in the administration of the registration  
17 of vehicles and in the operation of the department.

18 SECTION 3.02. Section 403.023(b), Government Code, is  
19 amended to read as follows:

20 (b) The comptroller may adopt rules relating to the use of  
21 credit or charge cards by state agencies to pay for purchases. The  
22 rules may:

23 (1) authorize a state agency to use credit or charge  
24 cards if the comptroller determines the best interests of the state  
25 would be promoted;

26 (2) authorize a state agency to use credit or charge  
27 cards to pay for purchases without providing the same authorization

1 to other state agencies; and

2 (3) authorize a state agency to use credit or charge  
3 cards to pay for purchases that otherwise may be paid out of the  
4 agency's petty cash accounts under Subchapter K[, ~~and~~

5 [~~(4) authorize the General Services Commission to~~  
6 ~~contract with one or more credit or charge card issuers on behalf of~~  
7 ~~state agencies].~~

8 SECTION 3.03. Subchapter B, Chapter 403, Government Code,  
9 is amended by adding Section 403.0305 to read as follows:

10 Sec. 403.0305. APPROVAL BY COMPTROLLER. A public agency as  
11 defined under Section 30.003(3), Water Code, may not enter into a  
12 contract as provided by Subchapter C, Chapter 2254, without review  
13 and approval by the comptroller.

14 SECTION 3.04. Section 441.203(a), Government Code, is  
15 amended to read as follows:

16 (a) . The Records Management Interagency Coordinating Council  
17 is composed of:

18 (1) permanent members, consisting of the following  
19 officers or the officer's designee:

20 (A) the secretary of state;

21 (B) the state auditor, who serves as a nonvoting  
22 member;

23 (C) the comptroller of public accounts;

24 (D) the attorney general;

25 (E) the director and librarian; and

26 (F) [~~the executive director of the Texas Building~~  
27 ~~and Procurement Commission, and~~

1                    [~~(C)~~] the executive director of the Department of  
2 Information Resources; and

3                    (2) auxiliary voting members, consisting of:

4                    (A) one faculty member of a public senior college  
5 or university, as defined by Section 61.003, Education Code, who  
6 has demonstrated knowledge of records and information management;  
7 and

8                    (B) two individuals who serve as information  
9 resources managers, under Section 2054.071, for state agencies in  
10 the executive branch of government.

11                    SECTION 3.05. Section 551.0726(a), Government Code, is  
12 amended to read as follows:

13                    (a) The Texas Facilities [~~Building and Procurement~~]  
14 Commission may conduct a closed meeting to deliberate business and  
15 financial issues relating to a contract being negotiated if, before  
16 conducting the closed meeting:

17                    (1) the commission votes unanimously that  
18 deliberation in an open meeting would have a detrimental effect on  
19 the position of the state in negotiations with a third person; and

20                    (2) the attorney advising the commission issues a  
21 written determination finding that deliberation in an open meeting  
22 would have a detrimental effect on the position of the state in  
23 negotiations with a third person and setting forth that finding  
24 therein.

25                    SECTION 3.06. Section 552.009(a), Government Code, as  
26 amended by Chapters 329 and 716, Acts of the 79th Legislature,  
27 Regular Session, 2005, is reenacted to read as follows:

1 (a) The open records steering committee is composed of two  
2 representatives of the attorney general's office and:

3 (1) a representative of each of the following,  
4 appointed by its governing entity:

5 (A) the comptroller's office;

6 (B) the Department of Public Safety;

7 (C) the Department of Information Resources; and

8 (D) the Texas State Library and Archives  
9 Commission;

10 (2) five public members, appointed by the attorney  
11 general; and

12 (3) a representative of each of the following types of  
13 local governments, appointed by the attorney general:

14 (A) a municipality;

15 (B) a county; and

16 (C) a school district.

17 SECTION 3.07. Section 571.061(a), Government Code, is  
18 amended to read as follows:

19 (a) The commission shall administer and enforce:

20 (1) Chapters 302, 303, 305, 572, and 2004;

21 (2) Subchapter C, Chapter 159, Local Government Code,  
22 in connection with a county judicial officer, as defined by Section  
23 159.051, Local Government Code, who elects to file a financial  
24 statement with the commission; ~~and~~

25 (3) Title 15, Election Code; and

26 (4) Sections 2152.064 and 2155.003.

27 SECTION 3.08. Section 571.091(a), Government Code, is

1 amended to read as follows:

2 (a) The commission shall prepare a written opinion  
3 answering the request of a person subject to any of the following  
4 laws for an opinion about the application of any of these laws to  
5 the person in regard to a specified existing or hypothetical  
6 factual situation:

7 (1) Chapter 302;

8 (2) Chapter 303;

9 (3) Chapter 305;

10 (4) Chapter 2004;

11 (5) Chapter 572;

12 (6) Subchapter C, Chapter 159, Local Government Code,  
13 as provided by Section 571.061(a)(2);

14 (7) Title 15, Election Code;

15 (8) Chapter 36, Penal Code; ~~[ex]~~

16 (9) Chapter 39, Penal Code;

17 (10) Section 2152.064; or

18 (11) Section 2155.003.

19 SECTION 3.09. Section 572.003(c), Government Code, is  
20 amended to read as follows:

21 (c) The term means a member of:

22 (1) the Public Utility Commission of Texas;

23 (2) the Texas Department of Economic Development;

24 (3) the Texas Commission on Environmental Quality;

25 (4) the Texas Alcoholic Beverage Commission;

26 (5) The Finance Commission of Texas;

27 (6) the Texas Facilities ~~[Building and Procurement]~~



- 1 Commission;
- 2                   (7) the Texas Board of Criminal Justice;
- 3                   (8) the board of trustees of the Employees Retirement
- 4 System of Texas;
- 5                   (9) the Texas Transportation Commission;
- 6                   (10) the Texas Workers' Compensation Commission;
- 7                   (11) the Texas Department of Insurance;
- 8                   (12) the Parks and Wildlife Commission;
- 9                   (13) the Public Safety Commission;
- 10                   (14) the Texas Ethics Commission;
- 11                   (15) the State Securities Board;
- 12                   (16) the Texas Water Development Board;
- 13                   (17) the governing board of a public senior college or
- 14 university as defined by Section 61.003, Education Code, or of The
- 15 University of Texas Southwestern Medical Center at Dallas, The
- 16 University of Texas Medical Branch at Galveston, The University of
- 17 Texas Health Science Center at Houston, The University of Texas
- 18 Health Science Center at San Antonio, The University of Texas
- 19 System Cancer Center, The University of Texas Health Science Center
- 20 at Tyler, University of North Texas Health Science Center at Fort
- 21 Worth, Texas Tech University Health Sciences Center, Texas State
- 22 Technical College--Harlingen, Texas State Technical
- 23 College--Marshall, Texas State Technical College--Sweetwater, or
- 24 Texas State Technical College--Waco;
- 25                   (18) the Texas Higher Education Coordinating Board;
- 26                   (19) the Texas Workforce Commission;
- 27                   (20) the State Banking Board;

- 1           (21) the board of trustees of the Teacher Retirement  
2 System of Texas;
- 3           (22) the Credit Union Commission;
- 4           (23) the School Land Board;
- 5           (24) the board of the Texas Department of Housing and  
6 Community Affairs;
- 7           (25) the Texas Racing Commission;
- 8           (26) the State Board of Dental Examiners;
- 9           (27) the Texas State Board of Medical Examiners;
- 10          (28) the Board of Pardons and Paroles;
- 11          (29) the Texas State Board of Pharmacy;
- 12          (30) the Department of Information Resources  
13 governing board;
- 14          (31) the Motor Vehicle Board;
- 15          (32) the Texas Real Estate Commission;
- 16          (33) the board of directors of the State Bar of Texas;
- 17          (34) the bond review board;
- 18          (35) the Texas Board of Health;
- 19          (36) the Texas Board of Mental Health and Mental  
20 Retardation;
- 21          (37) the Texas Board on Aging;
- 22          (38) the Texas Board of Human Services;
- 23          (39) the Texas Funeral Service Commission;
- 24          (40) the board of directors of a river authority  
25 created under the Texas Constitution or a statute of this state; or
- 26          (41) the Texas Lottery Commission.

27           SECTION 3.10. Subchapter B, Chapter 2152, Government Code,

1 is amended by adding Section 2152.064 to read as follows:

2 Sec. 2152.064. CONFLICTS OF INTEREST IN CERTAIN  
3 TRANSACTIONS. (a) A commission member, employee, or appointee may  
4 not:

5 (1) have an interest in, or in any manner be connected  
6 with:

7 (A) a contract or bid for a purchase of goods or  
8 services, including professional or consulting services, by the  
9 commission or another agency of the state in connection with the  
10 commission's duties concerning:

11 (i) charge and control of state buildings,  
12 grounds, or property;

13 (ii) maintenance or repair of state  
14 buildings, grounds, or property;

15 (iii) construction of a state building; or

16 (iv) purchase or lease of state buildings,  
17 grounds, or property by or for the state; or

18 (B) a recipient of state surplus or salvage  
19 property under the control of the commission; or

20 (2) in any manner, including by rebate or gift, accept  
21 or receive, directly or indirectly, from a recipient of state  
22 surplus or salvage property or a person to whom a contract  
23 described by Subdivision (1) may be awarded, anything of value or a  
24 promise, obligation, or contract for future reward or compensation.

25 (b) A commission member, employee, or appointee who  
26 violates Subsection (a)(2) is subject to dismissal.

27 (c) In consultation with the commission, the Texas Ethics

1 Commission shall adopt rules to implement this section.

2 (d) The Texas Ethics Commission shall administer and  
3 enforce this section and may prepare written opinions regarding  
4 this section in accordance with Subchapter D, Chapter 571.

5 SECTION 3.11. Sections 2155.444(a), (c), and (e),  
6 Government Code, are amended to read as follows:

7 (a) The commission and all state agencies making purchases  
8 of goods, including agricultural products, shall give preference to  
9 those produced or grown in this state or offered by Texas bidders as  
10 follows:

11 (1) goods produced or offered by a Texas bidder that is  
12 owned by a service-disabled veteran who is a Texas resident shall be  
13 given a first preference and goods produced in this state or  
14 offered by other Texas bidders shall [~~equally~~] be given second  
15 preference, if the cost to the state and quality are equal; and

16 (2) agricultural products grown in this state shall be  
17 given first preference and agricultural products offered by Texas  
18 bidders shall be given second preference, if the cost to the state  
19 and quality are equal.

20 (c) In this section:

21 (1) "Agricultural products" includes textiles and  
22 other similar products.

23 (1-a) "Service-disabled veteran" means a person who is  
24 a veteran as defined by 38 U.S.C. Section 101(2) and who has a  
25 service-connected disability as defined by 38 U.S.C. Section  
26 101(16).

27 (2) "Texas bidder" means a business:

- 1 (A) incorporated in this state;  
2 (B) that has its principal place of business in  
3 this state; or  
4 (C) that has an established physical presence in  
5 this state.

6 (e) The commission and all state agencies procuring  
7 services shall give first preference to services offered by a Texas  
8 bidder that is owned by a service-disabled veteran who is a Texas  
9 resident and shall give second preference to services offered by  
10 other Texas bidders if:

11 (1) the services meet state requirements regarding the  
12 service to be performed and expected quality; and

13 (2) the cost of the service does not exceed the cost of  
14 other similar services of similar expected quality that are [~~not~~]  
15 offered by a [~~Texas~~] bidder that is not entitled to a preference  
16 under this subsection.

17 SECTION 3.12. Subchapter H, Chapter 2155, Government Code,  
18 is amended by adding Section 2155.452 to read as follows:

19 Sec. 2155.452. PREFERENCE FOR CONTRACTORS PROVIDING FOODS  
20 OF HIGHER NUTRITIONAL VALUE. (a) The commission and state agencies  
21 making purchases of food for consumption in a public cafeteria may  
22 give preference to contractors who provide foods of higher  
23 nutritional value and who do not provide foods containing trans  
24 fatty acids for consumption in the cafeteria.

25 (b) In complying with this section, the commission and state  
26 agencies shall review the Department of Agriculture's nutrition  
27 standards.

1 SECTION 3.13. Section 2203.001(b), Government Code, is  
2 amended to read as follows:

3 (b) The report must be made daily on a form prescribed by the  
4 comptroller [~~General Services Commission~~].

5 SECTION 3.14. Section 2254.024(b), Government Code, is  
6 amended to read as follows:

7 (b) If the governor and [7] comptroller [~~and General~~  
8 ~~Services Commission~~] consider it more advantageous to the state to  
9 procure a particular consulting service under the procedures of  
10 Chapters 2155-2158, instead of under this subchapter, they may make  
11 a memorandum of understanding to that effect and each adopt the  
12 memorandum by rule. Procurement of a consulting service described  
13 in a memorandum of understanding under this subsection is subject  
14 only to Chapters 2155-2158.

15 SECTION 3.15. Section 2254.039(b), Government Code, is  
16 amended to read as follows:

17 (b) The comptroller shall give proposed rules to the  
18 governor [~~and the General Services Commission~~] for review and  
19 comment before adopting the rules.

20 ARTICLE 4. STUDY OF TEXAS FACILITIES COMMISSION FUNCTIONS

21 SECTION 4.01. Subchapter A, Chapter 2152, Government Code,  
22 is amended by adding Section 2152.004 to read as follows:

23 Sec. 2152.004. STUDY TO ASSESS FUNCTIONS OF TEXAS  
24 FACILITIES COMMISSION. (a) The Sunset Advisory Commission shall  
25 conduct a study of the functions of the Texas Facilities  
26 Commission. The study must assess the best allocation of state  
27 resources for:

1           (1) the acquisition of state buildings through lease  
2 or purchase;

3           (2) the construction of buildings owned by the state;

4           (3) the control and maintenance of buildings owned or  
5 leased by the state; and

6           (4) all other related responsibilities performed by  
7 the commission.

8           (b) The study must consider the benefits to the state of  
9 outsourcing any of the commission's functions to private entities  
10 or of allocating those functions to other state agencies.

11           (c) The commission shall take into consideration the  
12 findings and conclusions of the study in its report to the 81st  
13 Legislature and shall include any recommendations it considers  
14 appropriate resulting from its consideration of the study.

15           (d) The Texas Facilities Commission, the General Land  
16 Office, and the state auditor shall provide support to the Sunset  
17 Advisory Commission in conducting the study.

18           (e) This section expires January 1, 2009.

19                           ARTICLE 5. EFFECTIVE DATE

20           SECTION 5.01. This Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jon Corcos

Speaker of the House

I certify that H.B. No. 3560 was passed by the House on May 4, 2007, by the following vote: Yeas 140, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3560 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3560 on May 27, 2007, by the following vote: Yeas 141, Nays 2, 2 present, not voting.

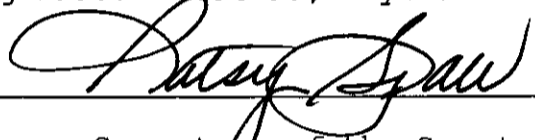
Robert Haney

Chief Clerk of the House



H.B. No. 3560

I certify that H.B. No. 3560 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3560 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

  
Secretary of the Senate

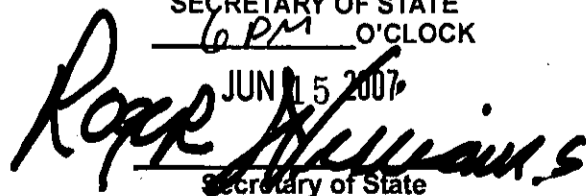
APPROVED: 15 JUN 07

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6 PM O'CLOCK

JUN 15 2007

  
Secretary of State