

1 AN ACT
2 relating to the authority of a junior college district to contract
3 for the provision of certain services and resources under the
4 Interagency Cooperation Act.

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

6 SECTION 1. Section 771.002(1), Government Code, is amended
7 to read as follows:

8 (1) "Agency" includes:

9 (A) a department, board, bureau, commission,
10 court, office, authority, council, or institution of state
11 government;

12 (B) a state university or [r] college, a junior
13 college district, or any service or part of a state institution of
14 higher education;

15 (C) a local workforce development board created
16 under Section 2308.253; and

17 (D) any statewide job or employment training
18 program for disadvantaged youth that is substantially financed by
19 federal funds and that was created by executive order not later than
20 December 30, 1986.

21 SECTION 2. Section 771.003, Government Code, is amended to
22 read as follows:

23 Sec. 771.003. AUTHORITY TO CONTRACT; EXCEPTIONS. (a) An [A
24 ~~state~~] agency may agree or contract with another [~~state~~] agency for

1 the provision of necessary and authorized services and resources.

2 (b) An [~~A-state~~] agency may not construct a highway, road,
3 building, or other structure for another agency under this chapter,
4 except that the Texas Department of Transportation may enter into
5 an interagency agreement with a state college, university, or
6 public junior college for the maintenance, improvement,
7 relocation, or extension of existing on-campus streets, parking
8 lots, and access-ways.

9 (c) An [~~A-state~~] agency may not provide services or
10 resources to another agency that are required by Article XVI,
11 Section 21, of the Texas Constitution to be provided under a
12 contract awarded to the lowest responsible bidder.

13 SECTION 3. Section 771.004(a), Government Code, is amended
14 to read as follows:

15 (a) Before an [~~a-state~~] agency may provide or receive a
16 service or resource under this chapter, the agency must have
17 entered into a written agreement or contract that has been approved
18 by the administrator of each agency that is a party to the agreement
19 or contract.

20 SECTION 4. Section 771.007, Government Code, is amended to
21 read as follows:

22 Sec. 771.007. REIMBURSEMENT AND ADVANCEMENT OF COSTS. (a)
23 An [~~A-state~~] agency that receives services or resources under this
24 chapter shall reimburse each [~~state~~] agency providing the services
25 or resources the actual cost of providing the services or
26 resources, or the nearest practicable estimate of that cost.
27 Reimbursement is not required if the services or resources are

1 provided:

- 2 (1) for national defense or disaster relief; or
3 (2) in cooperative efforts, proposed by the governor,
4 to promote the economic development of the state.

5 (b) An [~~A state~~] agency that receives services or resources
6 under this chapter may advance federal funds to an [~~a state~~] agency
7 providing the services or resources if the agency receiving the
8 services or resources determines that the advance would facilitate
9 the implementation of a federally funded program.

10 (c) An [~~A state~~] agency that receives services or resources
11 under this chapter may advance funds to the [~~state~~] agency
12 providing the services or resources if an advance is necessary to
13 enable the providing agency to provide the services or resources.
14 If an advance is made under this section, the agencies shall ensure
15 after the services or resources are provided that the providing
16 agency has received only sufficient funds to reimburse its total
17 costs. An advance of funds is a reimbursement for the purpose of
18 Section 771.008.

19 SECTION 5. Section 771.010, Government Code, is amended to
20 read as follows:

21 Sec. 771.010. EXCEEDING AUTHORITY PROHIBITED. An [~~A state~~]
22 agency may not enter into an agreement or contract that requires or
23 permits the agency to exceed its duties and responsibilities or the
24 limitations of its appropriated funds.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Tom Cradick

Speaker of the House

I certify that H.B. No. 1331 was passed by the House on April 14, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Robert Nancy
Chief Clerk of the House

I certify that H.B. No. 1331 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Latsy Spaw
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM, JUNE 17, 2005
Roger Williams
Secretary of State