

BILL ANALYSIS

Senate Research Center
76R6156 PAM-D

H.B. 1542
By: Keffer (West)
Education
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Engrossed

DIGEST

Currently, junior colleges are generally subject to the provisions of the Education Code and are governed by a locally-elected board. Many of the governance provisions applicable to independent school districts are also applicable to these colleges, however, as institutions of higher education, junior colleges are sometimes included in statutes related to public universities. Additionally, because junior colleges are also agencies of local government, they are also subject to some provisions in the Local Government Code. The dual nature of junior colleges as institutions of higher education and as independent entities of local government has caused some conflict regarding statutes appertaining to purchasing and contracting. H.B. 1542 would make the provisions of the Education Code relating to the purchase of goods and services under contract by a school district applicable to a junior college.

PURPOSE

As proposed, H.B. 1542 amends regulations regarding the purchasing requirements for school districts and junior college districts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 130A, Education Code, by adding Section 130.010, as follows:

Sec. 130.010. PURCHASING CONTRACTS. Establishes that the provisions of Chapter 44B, relating to the purchase of goods and services under contract by a school district apply to the purchase of goods and services under contract by a junior college district. Provides that the provisions of Chapter 44B prevail over any other law relating to the purchase of goods and services by a junior college district except a law relating to contracting with historically underutilized businesses.

SECTION 2. Amends Chapter 271B, Local Government Code, by adding Section 271.023, as follows:

Sec. 271.023. CONFLICT OF LAWS. Provides that provisions of Chapter 44B, Education Code, prevail over this subchapter to the extent of any conflict regarding a school district's purchase.

SECTION 3. Emergency clause.
Effective date: upon passage.