

BILL ANALYSIS

Senate Research Center

H.B. 42
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Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 26, 79th Legislature, Regular Session, 2005, established a policy of making state contract documents generally available in an online format on a keyword searchable Internet website. Prior to the passage of that legislation there was no uniform state government policy regarding which documents should be made available and the public was unable to locate specific documents relating to contracts across state government from one convenient location. However, this legislation limited the contracts that are required to be made available on the searchable Internet website to contracts worth over \$5 million.

H.B. 42 seeks to make state government more accessible and accountable to the general public by allowing contracts to be more easily accessible to the public. This bill transfers the responsibility for reporting contracts in an online database from the Texas Building and Procurement Commission to the Legislative Budget Board.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Section 2177.052, Government Code, to Chapter 322, Government Code, redesignates it as Section 322.020, Government Code, and amends it as follows:

Sec. 322.020. New heading: MAJOR CONTRACTS DATABASE. Redesignated from Section 2177.052. (a) Redefines "major contract."

(b) Requires each state agency to provide the Legislative Budget Board (LBB), rather than the Texas Building and Procurement Commission (TBPC), copies of each major contract entered into by the agency and each request for proposal, invitation to bid, or comparable solicitation related to the major contract.

(c) Requires the LBB, rather than TBPC, to post on the Internet, rather than to include in the information posted on the electronic procurement marketplace, each major contract of a state agency and each request for proposal, invitation to bid, or comparable solicitation related to the major contract. Makes a conforming change.

(d) Redesignated from existing Subsection (e). Requires the LBB, rather than TBPC, to allow public access to the information posted under this section, except for information that is not subject to disclosure under Chapter 552 (Public Information). Deletes existing Subsection (d) requiring TBPC to allow Texas governmental entities, including legislative entities, access to the information posted under this section.

(e) Redesignated from existing Subsection (f). Requires the LBB, rather than TBPC, to make the information searchable by contract value, state agency, and vendor. Authorizes the LBB, rather than TBPC, to make the information searchable by other subjects as appropriate.

SECTION 2. Makes application of Section 322.020(c), Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2007.