

## **BILL ANALYSIS**

Senate Research Center  
81R4249 KSD-D

H.B. 962  
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Higher Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas law regulates purchases by state agencies, including institutions of higher education. Since 1995, some Texas institutions of higher education have been able to make purchases and acquisitions of library goods and services without conforming to the statutory purchasing methods.

In 1999, S.B. 1363 by Senator Chris Harris extended this exemption to junior colleges in Texas. The intent of this legislation, as indicated by the bill analysis, was to provide this exemption to junior colleges. Determining the applicability of the exemption, however, requires interpretation of several statutes and has proven to be confusing to junior colleges.

This bill clearly states that purchases and acquisitions by a junior college for library goods and services are exempt from the statutory purchasing procedures for junior colleges. The bill would also update the exemption so that the statute encompasses new types of library resources including electronic databases, digital content, e-books, and other electronic services common in junior college libraries.

H.B. 962 amends current law relating to the purchase of library goods and services by public junior colleges.

### **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. Amends Section 44.0311, Education Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Creates an exception under Subsection (c). Makes a nonsubstantive change.
- (c) Provides that this subchapter does not apply to a purchase, acquisition, or license of library goods and services for a library operated as part of a junior college district. Defines "library goods and services."

SECTION 2. Amends Section 130.0101, Education Code, as follows:

- Sec. 130.0101. ACQUISITION OF LIBRARY MATERIALS. (a) Redefines "library goods and services."
- (b) Authorizes a junior college district, notwithstanding any other law governing purchasing by a junior college district, including Section 130.010 (Purchasing Contracts) or Subchapter B (Purchases; Contracts), Chapter 44 (Fiscal Management), to purchase, license, or otherwise acquire library goods and services in any manner authorized by law for the purchase, license, or acquisition of library goods and services by a public senior college or university, as defined by Section 61.003 (Definitions).

SECTION 3. Effective date: upon passage or September 1, 2009.