

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

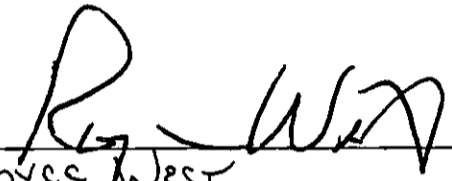
March 30, 2009
Date

Honorable David Dewhurst
President of the Senate

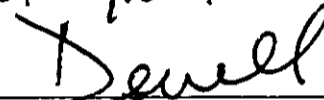
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

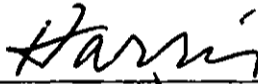
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2521 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.




ROYCE WEST



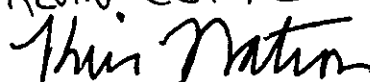
ROBERT DEUELL



CHRIS HARRIS



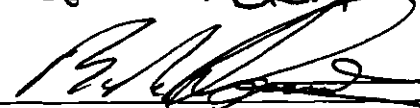
KEVIN ECTIFE



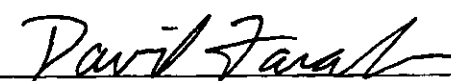
KIRK WATSON
On the part of the Senate



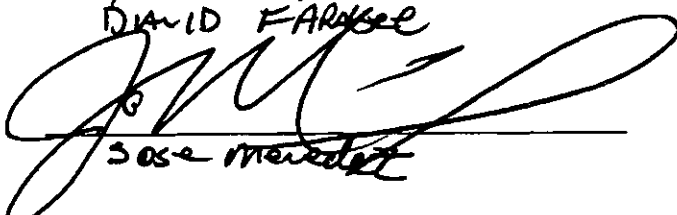
JOE C. PICKETT



BURT SOLOMON



DAVID FARABEE



JOSE MENDEZ

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2521

A BILL TO BE ENTITLED

1

AN ACT

2 relating to a preference in state purchasing for certain
3 media-related services offered by businesses based in Texas.

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

5 SECTION 1. Section 2155.444, Government Code, is amended by
6 adding Subsections (f), (g), and (h) to read as follows:

7 (f) The comptroller and each state agency conducting an
8 advertising campaign that involves the creation or production of a
9 commercial shall give preference to a commercial production company
10 and advertising agency located in this state if:

11 (1) the services meet state requirements regarding the
12 service to be performed and regarding 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 offered
15 by a bidder that is not entitled to a preference under this
16 subsection.

17 (g) For purposes of Subsection (f), "commercial production
18 company" means a corporation, limited liability company,
19 partnership, or other private entity that includes as one of its
20 purposes the production of one or more television, film, radio, or
21 other media-related commercials.

22 (h) The Music, Film, Television, and Multimedia Office
23 within the office of the governor has exclusive rulemaking
24 authority for purposes of:

- 1 (1) determining whether an advertising campaign is
2 subject to the requirements of this section;
3 (2) establishing a bid process for purposes of the
4 services described by Subsection (f); and
5 (3) establishing criteria to determine whether a
6 commercial production company or advertising agency is located in
7 this state for the purposes of this section.

8 SECTION 2. The change in law made by this Act applies only
9 to a contract for which a state agency first advertises or otherwise
10 solicits bids, proposals, offers, or qualifications on or after the
11 effective date of this Act. A contract for which a state agency
12 first advertised or otherwise solicited bids, proposals, offers, or
13 qualifications before the effective date of this Act is governed by
14 the law in effect when the first advertisement or solicitation was
15 given, and the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.

House Bill 2521
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Section 2155.266, Government Code, is amended to read as follows:

Same as House version.

Sec. 2155.266. REGISTRATION AND RENEWAL FEE. (a) The comptroller [~~commission~~] may charge a person applying for registration on the master bidders list a registration fee and may charge a registrant a biennial renewal fee in an amount designed to recover the comptroller's [~~commission's~~] costs in:

- (1) making and maintaining the master bidders list; and
 - (2) soliciting bids or proposals under this subchapter.
- (b) In addition to the fee provided by Subsection (a), the comptroller shall also collect \$20 from each registrant to be used for the purpose of enforcing compliance with requirements of state purchasing statutes and the prevention of fraud in the historically underutilized businesses program as set forth in Chapter 2161 [~~The commission shall set the amount of the fees by rule~~].

SECTION 1. Section 2155.444, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The comptroller and each state agency conducting an advertising campaign that involves the creation or production of a commercial shall give preference to a commercial production company and advertising agency located in this state if:

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

SECTION 1. Section 2155.444, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The comptroller and each state agency conducting an advertising campaign that involves the creation or production of a commercial shall give preference to a commercial production company and advertising agency located in this state if:

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

SECTION 1. Same as Senate version.

House Bill 2521
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

and

(2) the cost of the service does not exceed the cost of other similar services of similar expected quality that are offered by a bidder that is not entitled to a preference under this subsection.

(g) For purposes of Subsection (f), "commercial production company" means a corporation, limited liability company, partnership, or other private entity that includes as one of its purposes the production of one or more television, film, radio, or other media-related commercials.

SECTION 2. The change in law made by this Act applies only to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act. A contract for which a state agency first advertised or otherwise solicited bids, proposals, offers, or

SENATE VERSION

and

(2) the cost of the service does not exceed the cost of other similar services of similar expected quality that are offered by a bidder that is not entitled to a preference under this subsection.

(g) For purposes of Subsection (f), "commercial production company" means a corporation, limited liability company, partnership, or other private entity that includes as one of its purposes the production of one or more television, film, radio, or other media-related commercials.

(h) The Music, Film, Television, and Multimedia Office within the office of the governor has exclusive rulemaking authority for purposes of:

(1) determining whether an advertising campaign is subject to the requirements of this section;

(2) establishing a bid process for purposes of the services described by Subsection (f); and

(3) establishing criteria to determine whether a commercial production company or advertising agency is located in this state for the purposes of this section.

SECTION 2. Same as House version.

CONFERENCE

SECTION 2. Same as House version.

House Bill 2521
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

qualifications before the effective date of this Act is governed by the law in effect when the first advertisement or solicitation was given, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

SENATE VERSION

SECTION 3. Same as House version.

CONFERENCE

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2521 by Pickett (Relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Comptroller of Public Accounts and each state agency conducting an advertising campaign that includes a commercial to give preference to a company located in Texas if the services meet state requirements regarding service and quality, and if the cost does not exceed the cost of similar services from outside the State.

For the provisions of the bill, the Music, Film, Television, and Multimedia Office within the Office of the Governor would have exclusive rulemaking authority for purposes of determining advertising campaign requirements, establishing a bid process, and establishing criteria to determine whether a commercial production company or advertising agency is located in this State.

No significant fiscal implication to the State is anticipated since agencies would only give preference to a Texas based business if the cost of service does not exceed the cost from a non-Texas based business. It is assumed that any costs associated with the bill's rulemaking authority could be absorbed within existing resources of the Truisted Programs within the Office of the Governor.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

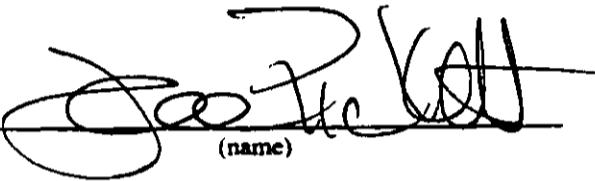
Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board, 362 Texas Lottery Commission, 405 Department of Public Safety, 529 Health and Human Services Commission, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: JOB, PJK, JRO, SD, KJG, JM

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2521 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.


(name)


(date)