

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Commissioners **Date:** April 18, 2008  
**Thru:** LaDonna Castañuela, Chief Clerk  
Glenn Shankle, Executive Director  
**From:** John Steib, Deputy Director, Office of Administrative Services  
**Docket No.:** 2008-0184-RUL  
**Subject:** Commission Approval for Proposed Rulemaking  
Chapter 11, Contracts  
HB 3560: Transfer of Duties from the Texas Building and Procurement Commission to the  
Texas Comptroller of Public Accounts  
Rule Project No. 2008-009-011-AS

## Reasons for the rule package:

- **Under what authority are we proposing these changes?** The statutory authority for Texas Commission on Environmental Quality rulemaking is pursuant to Texas Water Code, §5.103 and Texas Health and Safety Code, §382.017.
- **Is this rulemaking required by federal rule or state statute? Yes. Which ones?** House Bill (HB) 3560, 80th Legislature, 2007, Regular Session.
- **Are there any legal deadlines by which these rules must be proposed, adopted, or effective?** No.
- **What issue(s) or problem(s) are we trying to solve?** This rule package clarifies appropriate references and agency names for procurement.
- **Why is it important that we do this rule package?** HB 3560 transfers the power and duties of the Texas Building and Procurement Commission to the Texas Comptroller of Public Accounts, Texas Procurement and Support Services.
- **Other important background or historical information.** HB 3560 was authored by Representative Swinford, sponsored by Senator Janek, and co-sponsored by Senator West.

## Scope of the rulemaking:

The rulemaking will amend Chapter 11 to establish proper references to Texas Comptroller of Public Accounts, Texas Procurement and Support Services as the lead agency for procurement, and its rules.

- **Changes required by federal rule:** None.
- **Changes required by state statute:** Staff updates references to other agency rules.
- **Staff recommendations that are not expressly required by federal rule or state statute:** None.

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**Impact on the regulated community:** None.

- **Who will be affected?** This rulemaking creates a reference to rules in the Texas Comptroller of Public Accounts, Texas Procurement and Support Services rules that affect vendors doing business with TCEQ, and other state agencies.

**Does it create a group of affected persons who were not affected previously?** No. **How?** N/A.

- **Will there be a fiscal impact?** No. **If so, estimate.** N/A.

**Impact on the public:**

- **Who will be affected?** N/A

**Impact on agency programs:**

N/A

**Stakeholder meetings:**

- **Have any stakeholder meetings been held?** No.
- **With whom?** N/A.
- **What were the general sentiments?** N/A.
- **Were any changes made in response to stakeholder concerns?** N/A.

**Policy issues:**

- **What policy issues are affected?** N/A.
- **Are any policies that are not currently based on rule being made into a rule?** N/A
- **What are the consequences if this rulemaking is not approved to go forward?** Implementation for HB 3560 will not be complete.
- **Are there alternatives?** No, the legislation requires rulemaking.

**Potentially controversial matters:**

Staff does not anticipate controversial matters as the rule is adopting by reference the rule of another agency.

**Key points in proposed rulemaking schedule:**

- **Anticipated proposal date:** May 7, 2008
- **Anticipated *Texas Register* publication date:** May 23, 2008
- **Public hearing date (if any):** June 16, 2008

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- **Public comment period:** May 23 – June 23, 2008
- **Anticipated adoption date:** August 20, 2008

**Agency contacts:**

Joe McGill, Rule Project Manager, 239-1813, Administrative Support Division

Greg Dickenson, Staff Attorney, 239-6521

Michael Parrish, Texas Register Coordinator, 239-2548

**Attachments**

cc: Chief Clerk, 5 copies  
Executive Director's Office  
David C. Schanbacher, P.E.  
Daniel Womack  
Ashley K. Wadick  
Zak Covar  
Office of General Counsel  
Joe McGill  
Wendy Cox  
Michael Parrish