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December 22, 2011

The Honorable Pete P. Gallego  
Chair, Committee on Criminal Jurisprudence  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910

Opinion No. GA-0900

Re: Whether Government Code section 2157.0611,  
concerning the procedure for making certain catalog  
purchases, applies to an independent school district  
(RQ-0980-GA)

Dear Representative Gallego:

You ask whether Government Code section 2157.0611, concerning the procedure for making certain catalog purchases, applies to an independent school district.<sup>1</sup>

Chapter 2157 concerns governmental purchasing of automated information systems and related items. TEX. GOV'T CODE ANN. §§ 2157.001–.184 (West 2008 & Supp. 2011). Subchapter B, which would include section 2157.0611, “appl[ies] only to a state agency to which Chapter 2054 [of the Government Code] applies.” *Id.* § 2157.002 (West 2008). Chapter 2054 defines a “state agency” as “a department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education.” *Id.* § 2054.003(13) (West Supp. 2011). Furthermore, chapter 2054 includes a “school district” in its definition of “local government.” *Id.* § 2054.003(9). Under these definitions, a school district is not a state agency subject to chapter 2054 and, therefore, section 2157.0611, to the extent it is currently effective, does not apply to an independent school district.

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<sup>1</sup>See Letter from Honorable Pete P. Gallego, Chair, Committee on Criminal Jurisprudence, Texas House of Representatives, to Honorable Greg Abbott, Attorney General of Texas at 1 (May 5, 2011), [https://www.oag.state.tx.us/opin/index\\_rq.shtml](https://www.oag.state.tx.us/opin/index_rq.shtml) (“Request Letter”).

We note that the Eightieth Legislature repealed section 2157.0611 on May 22, 2007. Act of May 22, 2007, 80th Leg., R.S., ch. 1081, § 16, 2007 Tex. Gen. Laws 3703, 3707 (“House Bill 2918”). Five days later, the Legislature enacted a bill stating that it amends two sections of the Government Code pertaining to purchasing methods, one of which was section 2157.0611. Act of May 27, 2007, 80th Leg., R.S., ch. 1354, § 2, 2007 Tex. Gen. Laws 4643, 4643–44 (“House Bill 119”). West’s Texas Codes Annotated indicates that section 2157.0611 is a repealed statute, but mentions House Bill 119 in its discussion of legislative history. See TEX. GOV'T CODE ANN. ch. 2157, subch. B historical note (West 2008) [Act of May 22, 2007, 80th Leg., R.S., ch. 1081, § 16, 2007 Tex. Gen. Laws 3703, 3707, *repealing* Government Code sections 2157.061 to 2157.063]. Without resolving the issue, we assume for purposes of this opinion that section 2157.0611 is currently in effect.

S U M M A R Y

The provision for catalog purchases in section 2157.0611 of the Government Code, to the extent that it is currently in effect, does not apply to purchases by an independent school district.

Very truly yours,

  
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