

PROJECT NO. 35351

RULEMAKING TO AMEND §27.31	§	PUBLIC UTILITY COMMISSION
RELATING TO HISTORICALLY	§	
UNDERUTILIZED BUSINESS	§	OF TEXAS
PROGRAM	§	

**ORDER ADOPTING AMENDMENT TO §27.31
AS APPROVED AT THE MAY 8, 2008 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts an amendment to §27.31 relating to Historically Underutilized Business Program with no changes to the proposed text as published in the March 7, 2008 issue of the *Texas Register* (33 TexReg 1947). The amendment to §27.31 is necessary in order to incorporate the changes enacted through House Bill 3560, 80th Legislature, 2007, (HB 3560) which renamed the Texas Building and Procurement Commission as the Texas Facilities Commission and transferred certain duties from the Texas Building and Procurement Commission to the Comptroller of Public Accounts. The name change and transfer of duties became effective September 1, 2007. Before September 1, 2007, the commission, under Texas Government Code §2161.003, was required to adopt the Historically Underutilized Business (HUB) Program rules from the Texas Building and Procurement Commission (formerly called the Texas General Services Commission). As a result, the current §27.31 states that “the commission adopts by reference the rules of the Texas General Services Commission.” Because the HUB program rules, which were located under Title 1, Part 5, Chapter 111, Subchapter B, have now been transferred and reorganized under Title 34, Part 1, Chapter 20 of the Texas Administrative Code, the amendment to §27.31 is necessary to comply with Texas Government Code §2161.003. This amendment is adopted under Project Number 35351.

The commission did not receive any comments on the proposed amendment.

This amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 and §14.052 (Vernon 2007 and Supp. 2007) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure; and Texas Government Code §2161.003, which requires the commission to adopt the Comptroller of Public Accounts rules for Historically Underutilized Businesses.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052; Texas Government Code §2161.003.

§27.31. Historically Underutilized Business Program.

The commission adopts by reference the rules of the Comptroller of Public Accounts in 34 Texas Administrative Code (TAC) §§20.11, 20.13, 20.14, 20.26 and 20.27, relating to the Historically Underutilized Business Program.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §27.31 relating to Historically Underutilized Business Program is hereby adopted with no changes to the text as proposed.

SIGNED AT AUSTIN, TEXAS the _____ day of MAY 2008.

PUBLIC UTILITY COMMISSION OF TEXAS

BARRY T. SMITHERMAN, CHAIRMAN

JULIE CARUTHERS PARSLEY, COMMISSIONER

PAUL HUDSON, COMMISSIONER