

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners

**Date:** October 26, 2012

**Thru:** Bridget C. Bohac, Chief Clerk  
Zak Covar, Executive Director

**From:** Dorca Zaragoza-Stone, Deputy Director  
Office of Administrative Services

**Docket No.:** 2012-1663-RUL

**Subject:** Commission Approval for Proposed Rulemaking  
Chapter 11, Contracts  
Update the Historically Underutilized Business (HUB) Program Rules  
Rule Project No. 2012-036-011-AS

**Background and reason(s) for the rulemaking:**

The Texas Comptroller of Public Accounts conducted a disparity study in 2009 and as the result of the new study, made revisions to Title 34, Part 1, Chapter 20, Subchapter B, Texas Procurement (HUB rules). These revisions became effective on September 14, 2011. A state agency is required by Texas Government Code, §2161.003 to adopt the HUB rules. TCEQ's current rule adopting the HUB rules by reference refers to a previous version of the rule and does not reflect the current numbering of the rule.

**Scope of the rulemaking:**

The proposed rulemaking would amend 30 TAC §11.1, Historically Underutilized Business Program.

**A.) Summary of what the rulemaking will do:**

The proposed rulemaking would amend 30 TAC §11.1 by adopting the Texas Comptroller of Public Accounts HUB rules by reference.

**B.) Scope required by federal regulations or state statutes:**

Texas Government Code, §2161.003 requires that TCEQ adopt the Texas Comptroller of Public Accounts HUB rules.

**C.) Additional staff recommendations that are not required by federal rule or state statute:**

None.

**Statutory authority:**

- Texas Water Code, §5.103
- Texas Government Code, §2161.003

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**Effect on the:**

**A.) Regulated community:**

By amending this rule, no additional effect is expected on the regulated community. The regulated community and TCEQ must comply with the Texas Comptroller of Public Accounts HUB rules whether TCEQ corrects this rule or not.

**B.) Public:**

By amending this rule, no additional effect is expected on the public.

**C.) Agency programs:**

By amending this rule, no additional effect is expected on agency programs.

**Stakeholder meetings:**

There were no stakeholder meetings planned for this rulemaking project.

**Potential controversial concerns and legislative interest:**

No controversial issues are expected.

**Will this rulemaking affect any current policies or require development of new policies?**

No.

**What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?**

Should TCEQ not move forward with this rulemaking, TCEQ's rules will reference outdated HUB rules and incorrect rule citations.

**Key points in the proposal rulemaking schedule:**

**Anticipated proposal date:** November 14, 2012

**Anticipated *Texas Register* publication date:** November 30, 2012

**Public hearing date (if any):** None.

**Public comment period:** November 30 – January 7, 2013

**Anticipated adoption date:** April 24, 2013

**Agency contacts:**

Laura Cagle, Rule Project Manager, 239-1293, Financial Administration Division  
Amy Mendez, Staff Attorney, 239-5917  
Charlotte Horn, Texas Register Coordinator, 239-0779

**Attachments**

None.

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cc: Chief Clerk, 2 copies  
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