

BILL ANALYSIS

C.S.H.B. 3039
By: Cook, Robby
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Facilities Leasing Division of the Texas Building and Procurement Commission (commission) is charged with the responsibility of securing commercial lease space for state agencies that represents the best value to the State of Texas. In order to assist the commission in its duty to provide this service to client agencies in an effort to achieve the best value and generate savings for the State of Texas, several statutory revisions are needed to consolidate leasing functions at the commission and to clarify certain responsibilities.

The bill amends Chapter 2167 of the Government Code to update the leasing statutes. These revisions will permit business practices in the leasing division at the Texas Building and Procurement Commission that will strengthen the commission's ability to do what it is in the best interests of the State.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 2167.001 of the Government Code expressly to clarify that the commission may lease boat storage space, aircraft hangar space, and vehicle parking space for state agencies with those needs.

SECTION 2. Amends Section 2167.005 of the Government Code by adding subsection (d) to authorize the commission to revoke a delegation of authority to another state agency to enter into lease contracts for space.

SECTION 3. Amends 2167.007 (c) of the Government Code to give the commission the option of charging and billing state agencies for the cost of providing leasing services, rather than making these charges mandatory.

SECTION 4. Amends Section 2167.054(d) of the Government Code to allow the commission the option of inviting a state agency that the commission is leasing space for to participate in the discussions and negotiations.

SECTION 5. Amends Section 2167.055 (d), Government Code, to allow the commission to renew leases under which the terms are agreed upon by all parties. Current law allows for only a one-time renewal, not to exceed one year. Amends Section 2167.055(f), Government Code, by making the lease binding upon execution of the lease by all parties rather than upon the award of the contract.

SECTION 6. Amends Section 2167.101, Government Code, by clarifying that agencies must certify that they have funds available to pay for their lease until the end of the next fiscal biennium.

SECTION 7. Repeals Sections 2167.003 (c), 2167.004 (b), and 2167.106 of the Government Code.

SECTION 8. Effective Date.

EFFECTIVE DATE

September 1, 2003. Lease contracts entered into before September 1, 2003 are ruled by Chapter 2167, Government Code, as it existed prior to the changes. A contract renewal after September 1, 2003 is subject to the changes in Chapter 2167, Government Code.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds "aircraft hangar space" to the list of items for which the Texas Building and Procurement Commission can lease space. The substitute changes the Texas Employment Commission to the Texas Workforce Commission to reflect the current name (Sec. 2167.001, Government Code).

The substitute deletes SECTION 3 and SECTION 5 of the original bill. The substitute deletes part of

SECTION 7 (lines 4-7, page 4) of the original bill.