

By: Cook of Colorado

H.B. No. 3039

Substitute the following for H.B. No. 3039:

By: Smith of Tarrant

C.S.H.B. No. 3039

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the lease of space for state agencies by the Texas
3 Building and Procurement Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2167.001, Government Code, is amended to
6 read as follows:

7 Sec. 2167.001. APPLICABILITY. (a) This chapter applies
8 to:

- 9 (1) office space;
10 (2) warehouse space;
11 (3) laboratory space;
12 (4) storage space exceeding 1,000 gross square feet;

13 [~~and~~]

- 14 (5) boat storage space;
15 (6) aircraft hangar space;
16 (7) vehicle parking space; and
17 (8) a combination of those kinds of space.

18 (b) This chapter does not apply to:

- 19 (1) [~~aircraft hangar space~~];
20 [~~(2)~~] radio antenna space;
21 (2) [~~(3)~~] boat storage space;
22 [~~(4)~~] vehicle parking space;
23 [~~(5)~~] residential space for a Texas Department of
24 Mental Health and Mental Retardation program;

1 (3) [~~(6)~~] residential space for a Texas Youth
2 Commission program;

3 (4) [~~(7)~~] space to be used for less than one month for
4 meetings, conferences, conventions, seminars, displays,
5 examinations, auctions, or similar purposes;

6 (5) [~~(8)~~] district office space for members of the
7 legislature;

8 (6) [~~(9)~~] space used by the Texas Workforce
9 [~~Employment~~] Commission;

10 (7) [~~(10)~~] residential property acquired by the Texas
11 Department of Housing and Community Affairs or the Texas State
12 Affordable Housing Corporation that is offered for sale or rental
13 to individuals and families of low or very low income or families of
14 moderate income; or

15 (8) [~~(11)~~] except as provided by Section 2167.007,
16 classroom and instructional space for an institution of higher
17 education.

18 SECTION 2. Section 2167.005, Government Code, is amended by
19 adding Subsection (d) to read as follows:

20 (d) The commission may revoke a delegation of authority made
21 under this section.

22 SECTION 3. Section 2167.007(c), Government Code, is amended
23 to read as follows:

24 (c) The commission may [~~shall~~] establish a system of charges
25 and billings to assure the recovery of the cost of providing
26 services under Subsection (a) and may [~~shall~~] submit, after the
27 close of each month, a purchase voucher or journal voucher to an

1 agency for which services were provided.

2 SECTION 4. Section 2167.054(d), Government Code, is amended
3 to read as follows:

4 (d) As provided in a request for proposals and under rules
5 adopted by the commission, the commission may discuss acceptable or
6 potentially acceptable proposals with offerors to assess an
7 offeror's ability to meet the solicitation requirements and to
8 obtain the most advantageous lease contract for the state. The
9 commission may [~~shall~~] invite a leasing state agency to participate
10 in discussions and negotiations conducted under this section.
11 After receiving a proposal but before making an award, the
12 commission may permit the offeror to revise the proposal to obtain
13 the best final proposal.

14 SECTION 5. Sections 2167.055(d) and (f), Government Code,
15 are amended to read as follows:

16 (d) A lease contract that does not contain an option to
17 renew may, on agreement of the parties, be renewed under terms to
18 which all parties to the contract agree [~~once under the provisions~~
19 ~~of the original contract for a term that does not exceed one year~~].

20 (f) The obligation of the lessor to provide lease space and
21 of the commission to accept the space is binding on the execution of
22 the lease [~~award of the~~] contract.

23 SECTION 6. Section 2167.101, Government Code, is amended to
24 read as follows:

25 Sec. 2167.101. CERTIFICATION OF AVAILABLE MONEY. A state
26 agency occupying space leased under this chapter shall certify to
27 the commission, at least 60 days before the beginning of each fiscal

1 biennium during the lease term, that money is available to pay for
2 the lease until the end of the next fiscal biennium.

3 SECTION 7. The following laws are repealed:

- 4 (1) Section 2167.003(c), Government Code;
- 5 (2) Section 2167.004(b), Government Code; and
- 6 (3) Section 2167.106, Government Code.

7 SECTION 8. (a) This Act takes effect September 1, 2003.

8 (b) A lease contract entered into by the Texas Building and
9 Procurement Commission before September 1, 2003, under Chapter
10 2167, Government Code, is governed during the remaining term of the
11 lease by Chapter 2167, Government Code, as it existed immediately
12 before September 1, 2003, and the prior law is continued in effect
13 for this purpose. Chapter 2167, Government Code, as amended by this
14 Act, applies to the renewal of a lease described by this subsection.