

By: Swinford

H.B. No. 2378

A BILL TO BE ENTITLED

AN ACT

1
2 relating to transferring responsibility for the child-care
3 facilities for state employees from the Texas Building and
4 Procurement Commission to the Health and Human Services Commission.

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

6 SECTION 1. Section 663.001, Government Code, is amended by
7 amending Subdivision (3) and adding Subdivision (5) to read as
8 follows:

9 (3) "Commission" means the Health and Human [~~General~~]
10 Services Commission.

11 (5) "Executive commissioner" means the executive
12 commissioner of the Health and Human Services Commission.

13 SECTION 2. Section 663.002, Government Code, is amended to
14 read as follows:

15 Sec. 663.002. DUTIES AND RESPONSIBILITIES NOT AFFECTED.
16 Sections 663.003, 663.103, 663.104, and 663.105 do not affect the
17 duties or responsibilities of the Texas Building and Procurement
18 Commission [~~commission~~] under Section 2166.551.

19 SECTION 3. Section 663.003, Government Code, is amended to
20 read as follows:

21 Sec. 663.003. GOOD FAITH STANDARD. The commission and the
22 executive commissioner [~~director of the commission~~] shall carry out
23 their responsibilities under this chapter in good faith.

24 SECTION 4. Section 663.051(b), Government Code, is amended

1 to read as follows:

2 (b) The executive commissioner may serve on the committee.

3 The commission may appoint to the committee:

4 (1) the executive director [~~directors~~] of [+]

5 [~~(A) the commission, and~~

6 [~~(B)~~] the Texas Department of Housing and
7 Community Affairs;

8 (2) two representatives of nonprofit organizations
9 involved with the delivery or support of child care services;

10 (3) a representative of the corporate child
11 development fund;

12 (4) a representative of child care providers;

13 (5) one or more state employees subject to the state
14 classification plan:

15 (A) each of whom has at least one child in a child
16 care facility; and

17 (B) if more than one is appointed, each of whom
18 resides in a different geographic area of the state; and

19 (6) one or more individuals knowledgeable in child
20 care services or the need of working individuals for child care
21 services.

22 SECTION 5. Section 663.101(b), Government Code, is amended
23 to read as follows:

24 (b) The executive commissioner [~~commission~~] by rule may
25 establish methods to administer and supervise the child care
26 program.

27 SECTION 6. Section 663.106, Government Code, is amended to

1 read as follows:

2 Sec. 663.106. LEASE TO CHILD CARE PROVIDER. The Texas
3 Building and Procurement Commission [~~commission~~] shall lease to a
4 child care provider selected by the Health and Human Services
5 Commission [~~commission~~] a site for a child care facility at a
6 reasonable rate.

7 SECTION 7. (a) On November 1, 2005:

8 (1) all functions and activities relating to Chapter
9 663, Government Code, performed by the Texas Building and
10 Procurement Commission immediately before that date are
11 transferred to the Health and Human Services Commission;

12 (2) a reference in an administrative rule to the Texas
13 Building and Procurement Commission that relates to Chapter 663,
14 Government Code, means the Health and Human Services Commission;

15 (3) a complaint, investigation, or other proceeding
16 before the Texas Building and Procurement Commission that is
17 related to Chapter 663, Government Code, is transferred without
18 change in status to the Health and Human Services Commission, and
19 the Health and Human Services Commission assumes, as appropriate
20 and without a change in status, the position of the Texas Building
21 and Procurement Commission in an action or proceeding to which the
22 Texas Building and Procurement Commission is a party;

23 (4) all money, contracts, and obligations of the Texas
24 Building and Procurement Commission related to Chapter 663,
25 Government Code, are transferred to the Health and Human Services
26 Commission;

27 (5) all personal property in the custody of the Texas

1 Building and Procurement Commission related to Chapter 663,
2 Government Code, is transferred to the Health and Human Services
3 Commission; and

4 (6) the unexpended and unobligated balance of any
5 money appropriated by the legislature for the Texas Building and
6 Procurement Commission related to Chapter 663, Government Code, is
7 transferred to the Health and Human Services Commission.

8 (b) Subsection (a) of this section does not apply to the
9 Texas Building and Procurement Commission's responsibilities
10 regarding management of real property related to Chapter 663,
11 Government Code.

12 (c) Before November 1, 2005, the Texas Building and
13 Procurement Commission may agree with the Health and Human Services
14 Commission to transfer any property of the Texas Building and
15 Procurement Commission to the Health and Human Services Commission
16 to implement the transfer required by this section.

17 (d) In the period beginning on the effective date of this
18 Act and ending on November 1, 2005, the Texas Building and
19 Procurement Commission shall continue to perform functions and
20 activities under Chapter 663, Government Code, as if that chapter
21 had not been amended by this Act, and the former law is continued in
22 effect for that purpose.

23 SECTION 8. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.