

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.