

By: Gallego

H.B. No. 2373

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the abolition of the Texas Facilities Commission and  
3 the transfer of its duties to the General Land Office.

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

5 SECTION 1. Section 466.104(b), Government Code, is amended  
6 to read as follows:

7 (b) The comptroller may request assistance from the General  
8 Land Office [~~Texas Facilities Commission~~] in performing its  
9 facilities-related duties under this section.

10 SECTION 2. Section 571.061(a), Government Code, is amended  
11 to read as follows:

12 (a) The commission shall administer and enforce:

13 (1) Chapters 302, 303, 305, 572, and 2004;

14 (2) Subchapter C, Chapter 159, Local Government Code,  
15 in connection with a county judicial officer, as defined by Section  
16 159.051, Local Government Code, who elects to file a financial  
17 statement with the commission;

18 (3) Title 15, Election Code; and

19 (4) Section [~~Sections 2152.064 and~~] 2155.003.

20 SECTION 3. Section 571.091(a), Government Code, is amended  
21 to read as follows:

22 (a) The commission shall prepare a written opinion  
23 answering the request of a person subject to any of the following  
24 laws for an opinion about the application of any of these laws to

1 the person in regard to a specified existing or hypothetical  
2 factual situation:

3 (1) Chapter 302;

4 (2) Chapter 303;

5 (3) Chapter 305;

6 (4) Chapter 2004;

7 (5) Chapter 572;

8 (6) Subchapter C, Chapter 159, Local Government Code,

9 as provided by Section 571.061(a)(2);

10 (7) Title 15, Election Code;

11 (8) Chapter 36, Penal Code;

12 (9) Chapter 39, Penal Code; or

13 (10) [~~Section 2152.064; or~~

14 [~~(11)~~] Section 2155.003.

15 SECTION 4. Section 572.003(c), Government Code, is amended  
16 to read as follows:

17 (c) The term means a member of:

18 (1) the Public Utility Commission of Texas;

19 (2) the Texas Department of Economic Development;

20 (3) the Texas Commission on Environmental Quality;

21 (4) the Texas Alcoholic Beverage Commission;

22 (5) The Finance Commission of Texas;

23 (6) [~~the Texas Facilities Commission;~~

24 [~~(7)~~] the Texas Board of Criminal Justice;

25 (7) [~~(8)~~] the board of trustees of the Employees

26 Retirement System of Texas;

27 (8) [~~(9)~~] the Texas Transportation Commission;

1           (9) [~~(10)~~] ~~the Texas Workers' Compensation Commission;~~  
2           ~~[(11)]~~ the Texas Department of Insurance;  
3           (10) [~~(12)~~] the Parks and Wildlife Commission;  
4           (11) [~~(13)~~] the Public Safety Commission;  
5           (12) [~~(14)~~] the Texas Ethics Commission;  
6           (13) [~~(15)~~] the State Securities Board;  
7           (14) [~~(16)~~] the Texas Water Development Board;  
8           (15) [~~(17)~~] the governing board of a public senior  
9 college or university as defined by Section 61.003, Education Code,  
10 or of The University of Texas Southwestern Medical Center at  
11 Dallas, The University of Texas Medical Branch at Galveston, The  
12 University of Texas Health Science Center at Houston, The  
13 University of Texas Health Science Center at San Antonio, The  
14 University of Texas System M. D. Anderson Cancer Center, The  
15 University of Texas Health Science Center at Tyler, University of  
16 North Texas Health Science Center at Fort Worth, Texas Tech  
17 University Health Sciences Center, Texas State Technical  
18 College--Harlingen, Texas State Technical College--Marshall, Texas  
19 State Technical College--Sweetwater, or Texas State Technical  
20 College--Waco;  
21           (16) [~~(18)~~] the Texas Higher Education Coordinating  
22 Board;  
23           (17) [~~(19)~~] the Texas Workforce Commission;  
24           (18) [~~(21)~~] the board of trustees of the Teacher  
25 Retirement System of Texas;  
26           (19) [~~(22)~~] the Credit Union Commission;  
27           (20) [~~(23)~~] the School Land Board;

- 1           (21) [~~(24)~~] the board of the Texas Department of  
2 Housing and Community Affairs;
- 3           (22) [~~(25)~~] the Texas Racing Commission;
- 4           (23) [~~(26)~~] the State Board of Dental Examiners;
- 5           (24) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~  
6 ~~Medical Examiners~~];
- 7           (25) [~~(28)~~] the Board of Pardons and Paroles;
- 8           (26) [~~(29)~~] the Texas State Board of Pharmacy;
- 9           (27) [~~(30)~~] the Department of Information Resources  
10 governing board;
- 11           (28) [~~(31)~~] the Motor Vehicle Board;
- 12           (29) [~~(32)~~] the Texas Real Estate Commission;
- 13           (30) [~~(33)~~] the board of directors of the State Bar of  
14 Texas;
- 15           (31) [~~(34)~~] the bond review board;
- 16           (32) [~~(35)~~] the [~~Texas Board of~~] Health and Human  
17 Services Commission;
- 18           (33) [~~(36)~~] ~~the Texas Board of Mental Health and Mental~~  
19 ~~Retardation~~;
- 20           ~~[~~(37)~~] the Texas Board on Aging~~;
- 21           ~~[~~(38)~~] the Texas Board of Human Services~~;
- 22           ~~[~~(39)~~] the Texas Funeral Service Commission~~;
- 23           (34) [~~(40)~~] the board of directors of a river  
24 authority created under the Texas Constitution or a statute of this  
25 state; or
- 26           (35) [~~(41)~~] the Texas Lottery Commission.

27           SECTION 5. Section 659.301(5), Government Code, is amended

1 to read as follows:

2 (5) "State employee" means an individual who:

3 (A) is a commissioned law enforcement officer of  
4 the Department of Public Safety, the General Land Office [~~Texas~~  
5 ~~Facilities Commission~~], the Texas Alcoholic Beverage Commission,  
6 or the Texas Department of Criminal Justice;

7 (B) is a commissioned security officer of the  
8 comptroller;

9 (C) is a law enforcement officer commissioned by  
10 the Parks and Wildlife Commission;

11 (D) is a commissioned peace officer of an  
12 institution of higher education;

13 (E) is an employee or official of the Board of  
14 Pardons and Paroles or the parole division of the Texas Department  
15 of Criminal Justice if the employee or official has routine direct  
16 contact with inmates of any penal or correctional institution or  
17 with administratively released prisoners subject to the board's  
18 jurisdiction;

19 (F) has been certified to the Employees  
20 Retirement System of Texas under Section 815.505 as having begun  
21 employment as a law enforcement officer or custodial officer,  
22 unless the individual has been certified to the system as having  
23 ceased employment as a law enforcement officer or custodial  
24 officer; or

25 (G) before May 29, 1987, received hazardous duty  
26 pay based on the terms of any state law if the individual holds a  
27 position designated under that law as eligible for the pay.

1 SECTION 6. Section 663.001(3), Government Code, is amended  
2 to read as follows:

3 (3) "Commission" means the commissioner of the General  
4 Land Office [~~Texas Facilities Commission~~].

5 SECTION 7. Section 2151.003, Government Code, is amended to  
6 read as follows:

7 Sec. 2151.003. REFERENCE. A statutory reference to the  
8 General Services Commission, the State Board of Control, the State  
9 Purchasing and General Services Commission, or the Texas Building  
10 and Procurement Commission means:

11 (1) the commissioner of the General Land Office [~~Texas~~  
12 ~~Facilities Commission~~] if the statutory reference concerns:

13 (A) charge and control of state buildings,  
14 grounds, or property;

15 (B) maintenance or repair of state buildings,  
16 grounds, or property;

17 (C) construction of a state building;

18 (D) purchase or lease of state buildings,  
19 grounds, or property by or for the state;

20 (E) child care services for state employees under  
21 Chapter 663; or

22 (F) surplus and salvage property; and

23 (2) the comptroller in all other circumstances, except  
24 as otherwise provided by law.

25 SECTION 8. Section 2151.004(c), Government Code, is amended  
26 to read as follows:

27 (c) The commissioner of the General Land Office [~~Texas~~

1 ~~Facilities Commission~~] retains the powers and duties of the former  
2 Texas Building and Procurement Commission relating to charge and  
3 control of state buildings, grounds, or property, maintenance or  
4 repair of state buildings, grounds, or property, child care  
5 services for state employees under Chapter 663, surplus and salvage  
6 property, construction of a state building, or purchase or lease of  
7 state buildings, grounds, or property by or for the state.

8 SECTION 9. Section 2151.0041(c), Government Code, is  
9 amended to read as follows:

10 (c) Unless otherwise provided by the legislature by law, on  
11 September 1, 2013:

12 (1) the powers and duties transferred to the  
13 comptroller under Section 2151.004(d) and under House Bill 3560,  
14 Acts of the 80th Legislature, Regular Session, 2007, are  
15 transferred to the commissioner of the General Land Office [~~Texas~~  
16 ~~Facilities Commission~~];

17 (2) a reference in law to the comptroller relating to a  
18 power or duty transferred under this subsection means the  
19 commissioner of the General Land Office [~~Texas Facilities~~  
20 ~~Commission~~];

21 (3) a rule or form adopted by the comptroller relating  
22 to a power or duty transferred under this subsection is a rule or  
23 form of the commissioner of the General Land Office [~~Texas~~  
24 ~~Facilities Commission~~] and remains in effect until altered by the  
25 commission;

26 (4) all obligations, contracts, proceedings, cases,  
27 negotiations, funds, and employees of the comptroller relating to a

1 power or duty transferred under this subsection are transferred to  
2 the commissioner of the General Land Office [~~Texas Facilities~~  
3 ~~Commission~~];

4 (5) all property and records in the custody of the  
5 comptroller relating to a power or duty transferred under this  
6 subsection and all funds appropriated by the legislature for  
7 purposes related to a power or duty transferred under this  
8 subsection are transferred to the commissioner of the General Land  
9 Office [~~Texas Facilities Commission~~]; and

10 (6) Section 122.0011, Human Resources Code, and the  
11 following provisions of the Government Code expire:

- 12 (A) Sections 2151.004(c) and (d);
- 13 (B) Section 2155.0011;
- 14 (C) Section 2155.086;
- 15 (D) Section 2155.087;
- 16 (E) Section 2156.0011;
- 17 (F) Section 2157.0011;
- 18 (G) Section 2158.0011;
- 19 (H) Section 2161.0011;
- 20 (I) Section 2163.0011;
- 21 (J) Section 2170.0011;
- 22 (K) Section 2171.0011;
- 23 (L) Section 2172.0011;
- 24 (M) Section 2176.0011; and
- 25 (N) Section 2262.0011.

26 SECTION 10. Section 2155.087(b), Government Code, is  
27 amended to read as follows:



1 (b) The Statewide Procurement Advisory Council consists of  
2 the following four members or their designees:

3 (1) one member appointed by the governor;

4 (2) one member appointed by the commissioner of the  
5 General Land Office [~~Texas Facilities Commission~~];

6 (3) one member appointed by the Department of  
7 Information Resources; and

8 (4) one member appointed by the Legislative Budget  
9 Board.

10 SECTION 11. Section 2162.051(a), Government Code, is  
11 amended to read as follows:

12 (a) The State Council on Competitive Government consists of  
13 the following individuals or the individuals they designate:

14 (1) the governor;

15 (2) the lieutenant governor;

16 (3) the comptroller;

17 (4) the speaker of the house of representatives;

18 (5) [~~the presiding officer of the Texas Facilities~~  
19 ~~Commission~~];

20 [~~(6)~~] the commissioner of the Texas Workforce  
21 Commission representing labor; and

22 (6) [~~(7)~~] the land commissioner.

23 SECTION 12. Section 2165.0011, Government Code, is amended  
24 to read as follows:

25 Sec. 2165.0011. DEFINITION. In this chapter, "commission"  
26 means the commissioner of the General Land Office [~~Texas Facilities~~  
27 ~~Commission~~].

1 SECTION 13. Section 2166.001(1), Government Code, is  
2 amended to read as follows:

3 (1) "Commission" means the commissioner of the General  
4 Land Office [~~Texas Facilities Commission~~].

5 SECTION 14. Sections 2166.257(b) and (c), Government Code,  
6 are amended to read as follows:

7 (b) The money reserved under Subsection (a)(2) may be used  
8 only if:

9 (1) the design professional or contractor recommends  
10 and justifies the proposed contingency expenditures by submitting a  
11 change order request;

12 (2) the proposed change order request is approved by  
13 the design professional;

14 (3) the proposed change order request is approved by  
15 the using agency and the agency makes a formal request for the  
16 allocation of money from the contingency reserve; and

17 (4) the employee of the General Land Office  
18 responsible for [~~director of~~] facilities construction and space  
19 management [~~appointed under Section 2152.104~~] investigates the  
20 nature of the change order and concurs in the necessity of the  
21 proposed expenditure or refuses to concur not later than the 15th  
22 day after the date of receiving the request.

23 (c) If the employee of the General Land Office responsible  
24 for [~~director of~~] facilities construction and space management  
25 refuses to concur in a proposed contingency expenditure, the using  
26 agency may appeal to the commission. The commission's findings are  
27 final. The commission shall adopt rules on the procedures for an

1 appeal under this subsection.

2 SECTION 15. Section 2166.305(b), Government Code, is  
3 amended to read as follows:

4 (b) A committee appointed by the commission shall perform  
5 the review. The committee consists of:

6 (1) one individual appointed by the commissioner of  
7 the General Land Office [~~the director of facilities construction~~  
8 ~~and space management appointed under Section 2152.104~~], who serves  
9 as the presiding officer of the committee;

10 (2) six individuals appointed by the commission, one  
11 each from the lists of nominees submitted respectively by the:

12 (A) president of the Texas Society of Architects;

13 (B) president of the Texas Society of  
14 Professional Engineers;

15 (C) presiding officer of the Executive Council of  
16 the Texas Associated General Contractors Chapters;

17 (D) executive secretary of the Mechanical  
18 Contractors Associations of Texas, Incorporated;

19 (E) executive secretary of the Texas Building and  
20 Construction Trades Council; and

21 (F) president of the Associated Builders and  
22 Contractors of Texas;

23 (3) one individual appointed by the commission  
24 representing an institution of higher education, as defined by  
25 Section 61.003, Education Code;

26 (4) one individual appointed by the commission  
27 representing a state agency that has a substantial ongoing

1 construction program;

2 (5) one individual appointed by the commission  
3 representing the attorney general's office;

4 (6) one individual appointed by the commission  
5 representing the interests of historically underutilized  
6 businesses; and

7 (7) two individuals appointed by the commission, each  
8 representing a different minority contractors association.

9 SECTION 16. Section 2167.0011, Government Code, is amended  
10 to read as follows:

11 Sec. 2167.0011. DEFINITION. In this chapter, "commission"  
12 means the commissioner of the General Land Office [~~Texas Facilities~~  
13 ~~Commission~~].

14 SECTION 17. Section 2175.001(1-a), Government Code, is  
15 amended to read as follows:

16 (1-a) "Commission" means the commissioner of the  
17 General Land Office [~~Texas Facilities Commission~~].

18 SECTION 18. The following provisions of the Government Code  
19 are repealed:

20 (1) Section 551.0726; and

21 (2) Chapter 2152.

22 SECTION 19. (a) The Texas Facilities Commission is  
23 abolished.

24 (b) The validity of an action taken by the Texas Facilities  
25 Commission before it is abolished is not affected by the abolition.

26 SECTION 20. (a) All powers and duties of the Texas  
27 Facilities Commission are transferred to the General Land Office.

1           (b) A rule, form, policy, procedure, or decision of the  
2 Texas Facilities Commission continues in effect as a rule, form,  
3 policy, procedure, or decision of the General Land Office until  
4 superseded by an act of the land commissioner or the land  
5 commissioner's designee.

6           (c) A court case, administrative proceeding, contract  
7 negotiation, or other proceeding involving the Texas Facilities  
8 Commission is transferred without change in status to the General  
9 Land Office, and the General Land Office assumes, without a change  
10 in status, the position of the Texas Facilities Commission in a  
11 negotiation or proceeding to which the Texas Facilities Commission  
12 is a party.

13           (d) All money, contracts, leases, rights, bonds, and  
14 obligations of the Texas Facilities Commission are transferred to  
15 the General Land Office.

16           (e) All personal property, including records, in the  
17 custody of the Texas Facilities Commission becomes the property of  
18 the General Land Office.

19           (f) All funds appropriated by the legislature to the Texas  
20 Facilities Commission are transferred to the General Land Office.

21           SECTION 21. This Act takes effect October 1, 2011.