

By: Watson

S.B. No. 1538

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the General Land Office.

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

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

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

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

(a) The commission shall administer and enforce:

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

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

(3) Title 15, Election Code; and

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

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

(a) The commission shall prepare a written opinion answering the request of a person subject to any of the following 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.

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

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

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

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

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

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

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

(C) construction of a state building;

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

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

(F) surplus and salvage property; and

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

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

(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

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

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

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

- (A) Sections 2151.004(c) and (d);
- (B) Section 2155.0011;
- (C) Section 2155.086;
- (D) Section 2155.087;
- (E) Section 2156.0011;
- (F) Section 2157.0011;
- (G) Section 2158.0011;
- (H) Section 2161.0011;
- (I) Section 2163.0011;
- (J) Section 2170.0011;
- (K) Section 2171.0011;
- (L) Section 2172.0011;
- (M) Section 2176.0011; and
- (N) Section 2262.0011.

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

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

- (1) one member appointed by the governor;
- (2) one member appointed by the commissioner of the General Land Office [~~Texas Facilities Commission~~];
- (3) one member appointed by the Department of Information Resources; and
- (4) one member appointed by the Legislative Budget Board.

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

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

- (1) the governor;
- (2) the lieutenant governor;
- (3) the comptroller;
- (4) the speaker of the house of representatives;
- (5) [~~the presiding officer of the Texas Facilities Commission,~~
- [~~(6)~~] the commissioner of the Texas Workforce Commission representing labor; and
- (6) [~~(7)~~] the land commissioner.

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

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

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

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

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

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

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

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

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

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

(c) If the employee of the General Land Office responsible for [~~director of~~] facilities construction and space management refuses to concur in a proposed contingency expenditure, the using agency may appeal to the commission. The commission's findings are 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.