

By: Herrero

H.B. No. 2089

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the General Land Office,
including 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 411.1391, Government Code, is amended to
read as follows:

Sec. 411.1391. ACCESS TO CRIMINAL HISTORY RECORD
INFORMATION: GENERAL LAND OFFICE [~~TEXAS FACILITIES COMMISSION~~].

(a) The General Land Office [~~Texas Facilities Commission~~] is
entitled to obtain from the department criminal history record
information maintained by the department that relates to a person
who:

(1) is an employee or an applicant for employment with
the land office [~~commission~~];

(2) is a consultant, intern, or volunteer for the land
office [~~commission~~] or an applicant to serve as a consultant,
intern, or volunteer;

(3) proposes to enter into a contract with or has a
contract with the land office [~~commission~~] to perform services for
or supply goods to the land office [~~commission~~]; or

(4) is an employee or subcontractor, or an applicant
to be an employee or subcontractor, of a contractor that provides
services to the land office [~~commission~~].

1 (b) Criminal history record information obtained by the
2 General Land Office [~~Texas Facilities Commission~~] under Subsection
3 (a) may not be released or disclosed to any person except:

4 (1) on court order; or

5 (2) with the consent of the person who is the subject
6 of the criminal history record information.

7 SECTION 2. Section 417.0081(a), Government Code, is amended
8 to read as follows:

9 (a) The state fire marshal, at the commissioner's
10 direction, shall periodically inspect public buildings under the
11 charge and control of the General Land Office [~~Texas Facilities~~
12 ~~Commission~~] and buildings leased for the use of a state agency by
13 the General Land Office [~~Texas Facilities Commission~~].

14 SECTION 3. Section 417.0082, Government Code, is amended to
15 read as follows:

16 Sec. 417.0082. PROTECTION OF CERTAIN STATE-OWNED OR
17 STATE-LEASED BUILDINGS AGAINST FIRE HAZARDS. (a) The state fire
18 marshal, under the direction of the commissioner, shall take any
19 action necessary to protect a public building under the charge and
20 control of the General Land Office [~~Texas Facilities Commission~~],
21 and the building's occupants, and the occupants of a building
22 leased for the use of a state agency by the General Land Office
23 [~~Texas Facilities Commission~~], against an existing or threatened
24 fire hazard. The state fire marshal and the General Land Office
25 [~~Texas Facilities Commission~~] shall include the State Office of
26 Risk Management in all communication concerning fire hazards.

27 (b) The commissioner, the commissioner of the General Land

1 Office [~~Texas Facilities Commission~~], and the risk management board
2 shall make and each adopt by rule a memorandum of understanding that
3 coordinates the agency's duties under this section.

4 SECTION 4. Section 443.007(a), Government Code, is amended
5 to read as follows:

6 (a) The board shall:

7 (1) preserve, maintain, and restore the Capitol, the
8 General Land Office Building, the John H. Reagan Building, their
9 contents, and their grounds;

10 (2) define the buildings' grounds, except that the
11 grounds may not include another state office building;

12 (3) review and approve the executive director's annual
13 budget and work plan, the long-range master plan for the buildings
14 and their grounds, and the furnishings plan for placement and care
15 of objects under the care of the curator;

16 (4) approve all changes to the buildings and their
17 grounds, including usual maintenance and any transfers or loans of
18 objects under the curator of the Capitol's care;

19 (5) define and identify all significant aspects of the
20 buildings and their grounds;

21 (6) define and identify, with the curator of the
22 Capitol, all significant contents of the buildings and all
23 state-owned items of historical significance that were at one time
24 in the buildings; and

25 (7) maintain records relating to the construction and
26 development of the buildings, their contents, and their grounds,
27 including documents such as plans, specifications, photographs,

1 purchase orders, and other related documents, the original copies
2 of which shall be maintained by the Texas State Library and Archives
3 Commission.

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

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

9 SECTION 6. Section 571.061(a), Government Code, is amended
10 to read as follows:

11 (a) The commission shall administer and enforce:

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

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

17 (3) Title 15, Election Code; and

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

19 SECTION 7. Section 571.091(a), Government Code, is amended
20 to read as follows:

21 (a) The commission shall prepare a written opinion
22 answering the request of a person subject to any of the following
23 laws for an opinion about the application of any of these laws to
24 the person in regard to a specified existing or hypothetical
25 factual situation:

26 (1) Chapter 302;

27 (2) Chapter 303;

- 1 (3) Chapter 305;
2 (4) Chapter 2004;
3 (5) Chapter 572;
4 (6) Subchapter C, Chapter 159, Local Government Code,
5 as provided by Section 571.061(a)(2);
6 (7) Title 15, Election Code;
7 (8) Chapter 36, Penal Code;
8 (9) Chapter 39, Penal Code; or
9 (10) [~~Section 2152.064; or~~
10 [~~(11)~~] Section 2155.003.

11 SECTION 8. Section 572.003(c), Government Code, is amended
12 to read as follows:

- 13 (c) The term means a member of:
- 14 (1) the Public Utility Commission of Texas;
15 (2) [~~the Texas Department of Economic Development;~~
16 [~~(3)~~] the Texas Commission on Environmental Quality;
17 (3) [~~(4)~~] the Texas Alcoholic Beverage Commission;
18 (4) [~~(5)~~] The Finance Commission of Texas;
19 (5) [~~(6) the Texas Facilities Commission;~~
20 [~~(7)~~] the Texas Board of Criminal Justice;
21 (6) [~~(8)~~] the board of trustees of the Employees
22 Retirement System of Texas;
23 (7) [~~(9)~~] the Texas Transportation Commission;
24 (8) [~~(10) the Texas Workers' Compensation Commission;~~
25 [~~(11)~~] the Texas Department of Insurance;
26 (9) [~~(12)~~] the Parks and Wildlife Commission;
27 (10) [~~(13)~~] the Public Safety Commission;

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

1 (23) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~
2 ~~Medical Examiners~~];

3 (24) [~~(28)~~] the Board of Pardons and Paroles;

4 (25) [~~(29)~~] the Texas State Board of Pharmacy;

5 (26) [~~(30)~~] the Department of Information Resources
6 governing board;

7 (27) [~~(31)~~] the Texas Department of Motor Vehicles
8 [~~Vehicle Board~~];

9 (28) [~~(32)~~] the Texas Real Estate Commission;

10 (29) [~~(33)~~] the board of directors of the State Bar of
11 Texas;

12 (30) [~~(34)~~] the bond review board;

13 (31) [~~(35)~~] the [~~Texas Board of~~] Health and Human
14 Services Commission;

15 (32) [~~(36)~~] ~~the Texas Board of Mental Health and Mental~~
16 ~~Retardation~~;

17 [~~(37)~~] ~~the Texas Board on Aging~~;

18 [~~(38)~~] ~~the Texas Board of Human Services~~;

19 [~~(39)~~] the Texas Funeral Service Commission;

20 (33) [~~(40)~~] the board of directors of a river
21 authority created under the Texas Constitution or a statute of this
22 state; or

23 (34) [~~(41)~~] the Texas Lottery Commission.

24 SECTION 9. Section 659.301(5), Government Code, is amended
25 to read as follows:

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

27 (A) is a commissioned law enforcement officer of

1 the Department of Public Safety, the General Land Office [~~Texas~~
2 ~~Facilities Commission~~], the Texas Alcoholic Beverage Commission,
3 or the Texas Department of Criminal Justice;

4 (B) is a commissioned security officer of the
5 comptroller;

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

8 (D) is a commissioned peace officer of an
9 institution of higher education;

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

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

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

25 SECTION 10. Section 663.001(3), Government Code, is amended
26 to read as follows:

27 (3) "Commission" means the commissioner of the General

1 Land Office [~~Texas Facilities Commission~~].

2 SECTION 11. Section 2151.003, Government Code, is amended
3 to read as follows:

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

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

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

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

14 (C) construction of a state building;

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

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

19 (F) surplus and salvage property; and

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

22 SECTION 12. Section 2151.004(c), Government Code, is
23 amended to read as follows:

24 (c) The commissioner of the General Land Office [~~Texas~~
25 ~~Facilities Commission~~] retains the powers and duties of the former
26 Texas Building and Procurement Commission relating to charge and
27 control of state buildings, grounds, or property, maintenance or

1 repair of state buildings, grounds, or property, child care
2 services for state employees under Chapter 663, surplus and salvage
3 property, construction of a state building, or purchase or lease of
4 state buildings, grounds, or property by or for the state.

5 SECTION 13. Section 2151.0041(c), Government Code, is
6 amended to read as follows:

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

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

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

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

23 (4) all obligations, contracts, proceedings, cases,
24 negotiations, funds, and employees of the comptroller relating to a
25 power or duty transferred under this subsection are transferred to
26 the commissioner of the General Land Office [~~Texas Facilities~~
27 ~~Commission~~];

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

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

9 (A) Sections 2151.004(c) and (d);

10 (B) Section 2155.0011;

11 (C) Section 2155.086;

12 (D) Section 2155.087;

13 (E) Section 2156.0011;

14 (F) Section 2157.0011;

15 (G) Section 2158.0011;

16 (H) Section 2161.0011;

17 (I) Section 2163.0011;

18 (J) Section 2170.0011;

19 (K) Section 2171.0011;

20 (L) Section 2172.0011;

21 (M) Section 2176.0011; and

22 (N) Section 2262.0011.

23 SECTION 14. Section 2155.087(b), Government Code, is
24 amended to read as follows:

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

27 (1) one member appointed by the governor;

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

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

5 (4) one member appointed by the Legislative Budget
6 Board.

7 SECTION 15. Section 2155.147(a), Government Code, is
8 amended to read as follows:

9 (a) The General Land Office is delegated all purchasing
10 functions under Subtitles A, B, C, D, and E, Title 2, Natural
11 Resources Code [~~relating to purchases under Section 33.603, Natural~~
12 ~~Resources Code, including coastal erosion studies, demonstration~~
13 ~~studies, and response projects~~].

14 SECTION 16. Section 2155.149(a), Government Code, is
15 amended to read as follows:

16 (a) The Veterans' Land Board is delegated all purchasing
17 functions under Title 7, Natural Resources Code [~~relating to~~
18 ~~veterans homes and veterans cemeteries~~].

19 SECTION 17. Section 2162.051(a), Government Code, is
20 amended to read as follows:

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

23 (1) the governor;

24 (2) the lieutenant governor;

25 (3) the comptroller;

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

27 (5) [~~the presiding officer of the Texas Facilities~~

1 ~~Commission,~~

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

4 (6) ~~[(7)]~~ the land commissioner.

5 SECTION 18. Section 2165.0011, Government Code, is amended
6 to read as follows:

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

10 SECTION 19. Subchapter B, Chapter 2165, Government Code, is
11 amended by adding Section 2165.059 to read as follows:

12 Sec. 2165.059. STATE FACILITIES FUND. (a) The state
13 facilities fund is an account in the general revenue fund that may
14 be appropriated only to the commissioner of the General Land Office
15 for the purpose of implementing Chapters 2165, 2166, and 2167.

16 (b) The state facilities fund consists of:

17 (1) all money received from the lease of space to
18 public or private tenants under this chapter, except as provided by
19 Section 2165.156(2);

20 (2) all money received from the lease of space in
21 state-owned parking lots and garages under Section 2165.2035;

22 (3) all money received from the use or lease of public
23 buildings or grounds under Sections 2165.008 and 2165.151; and

24 (4) fines collected under Section 2165.058(e).

25 (c) Section 403.095 does not apply to the state facilities
26 fund.

27 (d) The commissioner may recover all amounts spent from an

1 account, other than the state facilities fund established under
2 Subsection (a), for advertising, management, and leasing expenses
3 incurred under this chapter from money described by Subsection (b)
4 before deposit into the fund.

5 SECTION 20. Section 2165.107, Government Code, is amended
6 to read as follows:

7 Sec. 2165.107. PREFERENCES IN ASSIGNING SPACE. (a) In
8 filling a request for space, the commissioner of the General Land
9 Office may, if economically feasible, [commission shall] give
10 preference to available state-owned space.

11 (b) In assigning office space in a state building financed
12 from bond proceeds, the commissioner may [commission shall] give
13 first priority to a state agency that is not funded from general
14 revenue.

15 SECTION 21. Section 2165.151, Government Code, is amended
16 to read as follows:

17 Sec. 2165.151. AUTHORITY TO LEASE PUBLIC GROUNDS. All
18 public grounds belonging to the state under the [commission's]
19 charge and control of the commissioner of the General Land Office
20 may be leased for any purpose [agricultural or commercial
21 purposes].

22 SECTION 22. Section 2165.153, Government Code, is amended
23 to read as follows:

24 Sec. 2165.153. ADVERTISEMENT OF LEASE PROPOSALS. The
25 commissioner of the General Land Office [commission] shall
26 advertise a lease proposal under this subchapter in the state
27 business daily or on the General Land Office's Internet website

1 ~~[once a week for four consecutive weeks in at least two newspapers,~~
2 ~~one of which is published in the municipality in which the property~~
3 ~~is located or in the daily paper nearest to the property, and the~~
4 ~~other of which has statewide circulation].~~

5 SECTION 23. Section 2165.156, Government Code, is amended
6 to read as follows:

7 Sec. 2165.156. DEPOSIT OF LEASE PROCEEDS. Money received
8 from a lease under this subchapter, minus the amount spent for
9 advertising, management, and leasing expenses, shall be deposited:

10 (1) in the general revenue fund ~~[the state treasury]~~
11 to the credit of the state facilities ~~[general revenue]~~ fund; or

12 (2) if the land leased belongs to an eleemosynary
13 institution for which there is an appropriate special fund, to the
14 credit of the institution in the appropriate special fund.

15 SECTION 24. Section 2165.2035(d), Government Code, is
16 amended to read as follows:

17 (d) Money received from a lease under this program shall be
18 deposited in the general revenue fund to the credit of the state
19 facilities ~~[general revenue]~~ fund.

20 SECTION 25. Section 2165.206, Government Code, is amended
21 to read as follows:

22 Sec. 2165.206. LEASE OF SPACE FOR CHILD CARE FACILITY.

23 (a) The commissioner of the General Land Office may, if
24 economically feasible, lease space to ~~[Providing a site for]~~ a
25 child care facility in a state-owned building. A lease under this
26 section may not impact ~~[has first priority over all other uses of a~~
27 ~~building, except for the purposes essential to]~~ the official

functions of the agencies housed in the building.

(b) If the commissioner [~~commission~~] allocates space for the purpose of providing child care services for state employees, the commissioner [~~commission~~] shall designate the use of the space most appropriate for child care.

(c) Notwithstanding any other provision of this subtitle, the commissioner may [~~commission shall~~] lease at a rate set by the commissioner [~~commission~~] suitable space in state-owned buildings to child care providers selected as provided by Chapter 663.

SECTION 26. Section 2165.208, Government Code, is amended to read as follows:

Sec. 2165.208. UTILITIES AND CUSTODIAL SERVICES. [~~(a)~~] The commissioner of the General Land Office [~~commission~~] may furnish utilities and custodial services to a private tenant, including a child care provider selected by the commissioner under Chapter 663, at cost plus any management fees associated with procurement of services.

~~[(b) The commission shall furnish utilities and custodial services to a child care provider selected by the commission under Chapter 663 at cost.]~~

SECTION 27. Section 2165.211, Government Code, is amended to read as follows:

Sec. 2165.211. USE OF LEASE PROCEEDS. Money received from a lease under this subchapter shall be deposited in the general revenue fund to the credit of the state facilities fund [~~may be used only for building and property services performed by the commission~~].

SECTION 28. Section 2165.212, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The commissioner of the General Land Office may ~~[commission shall]~~ request the Department of Assistive and Rehabilitative Services ~~[Texas Commission for the Blind]~~ to determine under Section 94.003, Human Resources Code, whether it is feasible to install a vending facility in a building in which the commissioner ~~[commission]~~ intends to lease space to a private tenant, other than a child care provider. If the installation of the facility is feasible, the commissioner may give preference to an operator licensed ~~[commission shall permit the installation]~~ in accordance with Chapter 94, Human Resources Code.

(c) If the Department of Assistive and Rehabilitative Services ~~[Texas Commission for the Blind]~~ determines that the installation of a vending facility is not feasible, the commissioner may, in determining allocation of space available for lease, give preference ~~[commission shall lease space]~~ to at least one private tenant whose activity in the building will be managed by a blind person or by a person with a disability who is not blind.

(d) Notwithstanding any other provision, including Chapter 94, Human Resources Code, the commissioner may allow a private vending facility to operate in a building under the commissioner's charge and control if the commissioner finds that it is in the best interest of the state.

SECTION 29. Section 2165.214, Government Code, is amended to read as follows:

1 Sec. 2165.214. PREFERENCE IN LEASING TO CERTAIN EXISTING
2 VENDING FACILITIES. Notwithstanding the other provisions of this
3 subchapter or Chapters 2155, 2156, 2157, and 2158, the commissioner
4 of the General Land Office may [~~commission shall~~] give a
5 preference, when leasing space in a state-owned building for the
6 operation of a vending facility as defined by Chapter 94, Human
7 Resources Code, to an existing lessee, licensee, or contractor who
8 operates a vending facility on the property if:

9 (1) the existing lessee, licensee, or contractor has
10 operated a vending facility on the property for not less than 10
11 years;

12 (2) Chapter 94, Human Resources Code, does not apply
13 to the property;

14 (3) the commissioner [~~commission~~] finds there is a
15 history of quality and reliable service; and

16 (4) the proposal of the existing lessee, licensee, or
17 contractor for the right to continue operation of the facility is
18 consistent with the historical quality of service and the
19 historical retail pricing structure at the facility.

20 SECTION 30. Section 2165.252(b), Government Code, is
21 amended to read as follows:

22 (b) The commissioner of the General Land Office
23 [~~commission~~] may allocate space in buildings in the Texas Judicial
24 Complex only to:

- 25 (1) a court;
26 (2) a judicial agency;
27 (3) the attorney general's office;

- 1 (4) the Texas Department of Criminal Justice;
- 2 (5) the Texas Juvenile Justice Department [~~Youth~~
- 3 ~~Commission~~];
- 4 (6) the Criminal Justice Policy Council;
- 5 (7) the State Commission on Judicial Conduct;
- 6 (8) the State Office of Administrative Hearings;
- 7 (9) the Board of Law Examiners;
- 8 (10) the Council on Sex Offender Treatment;
- 9 (11) building security;
- 10 (12) building maintenance; or
- 11 (13) a vending facility [~~operated under Chapter 94,~~
- 12 ~~Human Resources Code~~].

13 SECTION 31. Section 2166.001(1), Government Code, is

14 amended to read as follows:

15 (1) "Commission" means the commissioner of the General

16 Land Office [~~Texas Facilities Commission~~].

17 SECTION 32. Section 2166.003(a), Government Code, is

18 amended to read as follows:

19 (a) Unless otherwise provided, this chapter does not apply

20 to:

21 (1) a project constructed by and for the Texas

22 Department of Transportation;

23 (2) a project constructed by and for a state

24 institution of higher education;

25 (3) a pen, shed, or ancillary building constructed by

26 and for the Department of Agriculture for the processing of

27 livestock before export;

1 (4) a project constructed by the Parks and Wildlife
2 Department;

3 (5) a repair or rehabilitation project, except a major
4 renovation, of buildings and grounds on the ~~[commission]~~ inventory
5 of the General Land Office;

6 (6) a repair and rehabilitation project of another
7 using agency, if all labor for the project is provided by the
8 regular maintenance force of the using agency under specific
9 legislative authorization and the project does not require the
10 advance preparation of working plans or drawings;

11 (7) a repair and rehabilitation project involving the
12 use of contract labor, if the project has been excluded from this
13 chapter by ~~[commission]~~ rule of the commissioner of the General
14 Land Office and does not require the advance preparation of working
15 plans or drawings;

16 (8) an action taken by the Texas Commission on
17 Environmental Quality under Subchapter F or I, Chapter 361, Health
18 and Safety Code;

19 (9) a repair, rehabilitation, or construction project
20 on property owned by the Texas Department of Housing and Community
21 Affairs or the Texas State Affordable Housing Corporation;

22 (10) a project constructed by and for the Veterans'
23 Land Board; ~~[or]~~

24 (11) a project constructed by and for the Texas
25 Historical Commission; or

26 (12) a project constructed by and for the General Land
27 Office.

SECTION 33. The heading to Section 2166.006, Government Code, is amended to read as follows:

Sec. 2166.006. LEGAL REPRESENTATION OF LAND COMMISSIONER ~~[COMMISSION]~~.

SECTION 34. Section 2166.006(a), Government Code, is amended to read as follows:

(a) The commissioner of the General Land Office may request representation by the attorney general ~~[shall represent the commission]~~ in legal matters.

SECTION 35. Section 2166.052, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) The commissioner of the General Land Office, with the approval of the School Land Board ~~[commission, as provided by law and by legislative appropriation]~~, may:

(1) acquire necessary real and personal property and modernize, remodel, build, or equip buildings for state purposes; ~~[and]~~

(2) contract as necessary to accomplish these purposes; and

(3) sell or otherwise dispose of real property of the state.

(a-1) The proceeds from the sale of real property of the state under Subsection (a)(3) shall be deposited in the general revenue fund to the credit of the state facilities fund. The commissioner may recover all amounts spent from an account, other than the state facilities fund, for management, acquisition, and

disposition expenses incurred from the sale proceeds before deposit into the fund.

(c) The commissioner [~~commission~~] may enter into a contract with the City of Austin to govern the transfer, sale, or exchange of real property and interests in real property, including the vacation of street rights-of-way, easements, and other interests, as necessary or advantageous to both parties. The agreement may provide for the transfer, sale, or exchange by one party in favor of the other for a reasonable value established by the parties and may provide for a transfer, sale, or exchange to be credited against future property or interests to be transferred, sold, or exchanged between the parties. Section 272.001, Local Government Code, does not apply to a transaction governed by this section.

SECTION 36. Sections 2166.056(a), (b), and (d), Government Code, are amended to read as follows:

(a) The commissioner of the General Land Office [~~commission~~] may grant a permanent or temporary easement, franchise, license, or right-of-way over and on the land of a state agency on a project administered by the commissioner [~~commission~~] or enter into a joint use agreement regarding the land if it is necessary to ensure the efficient and expeditious construction, improvement, renovation, use, or operation of a building or facility of the project.

(b) The commissioner [~~commission shall submit an easement or right-of-way that may extend beyond the period of construction to the asset management division~~] of the General Land Office [~~for written comment not later than the 30th day before the date it is~~]

1 ~~granted by the commission. The commission]~~ may enter into a joint
 2 use agreement or grant a franchise or license at the commissioner's
 3 ~~[commission's]~~ discretion and for the period determined by the
 4 commissioner ~~[commission]~~ if the commissioner ~~[commission]~~
 5 determines that the joint use agreement, franchise, or license is
 6 in the best interests of the state and if adequate consideration is
 7 received by the state under the agreement or under the terms of the
 8 franchise or license.

9 (d) The commissioner ~~[commission]~~ shall approve all joint
 10 use agreements, franchises, and licenses under this section by a
 11 majority vote in an open meeting.

12 SECTION 37. Subchapter C, Chapter 2166, Government Code, is
 13 amended by adding Section 2166.105 to read as follows:

14 Sec. 2166.105. STUDY TO ASSESS FUNCTIONS OF TEXAS
 15 FACILITIES COMMISSION TRANSFERRED TO GENERAL LAND OFFICE. (a) The
 16 General Land Office shall conduct a study of its functions under
 17 this chapter and Chapters 2165 and 2167. The study must assess the
 18 best allocation of state resources for:

- 19 (1) the acquisition and lease of state buildings;
- 20 (2) the construction of buildings owned by the state;
- 21 (3) the control and maintenance of buildings owned or
 22 leased by the state; and
- 23 (4) all other related responsibilities performed by
 24 the commissioner of the General Land Office.

25 (b) The study must consider the benefits to the state of
 26 outsourcing any of the commissioner's functions to private entities
 27 or of allocating those functions to other state agencies.

1 (c) The commissioner, not later than January 1, 2015, shall
2 report the findings and conclusions of the study to the legislature
3 and shall include any recommendations the commissioner considers
4 appropriate resulting from the study.

5 (d) This section expires January 1, 2016.

6 SECTION 38. Section 2166.202, Government Code, is amended
7 to read as follows:

8 Sec. 2166.202. SELECTION OF PRIVATE DESIGN PROFESSIONAL;
9 RULES. (a) The commissioner of the General Land Office
10 ~~[commission]~~ is responsible for selecting any private design
11 professional retained for a project subject to this chapter.

12 (b) The commissioner ~~[commission, in consultation with the~~
13 ~~Texas Board of Architectural Examiners and the Texas Board of~~
14 ~~Professional Engineers,~~] shall adopt ~~[by rule]~~ criteria to evaluate
15 the competence and qualifications of a prospective private design
16 professional.

17 (c) The commissioner ~~[commission]~~ shall select a private
18 design professional in accordance with criteria ~~[a rule]~~ adopted
19 under this section ~~[and the ethical standards of the professional~~
20 ~~societies of architects and engineers]~~.

21 SECTION 39. Section 2166.260, Government Code, is amended
22 to read as follows:

23 Sec. 2166.260. APPROVAL OF CERTAIN EXPENDITURES REQUIRED.
24 A state agency may not spend more than the amount authorized for the
25 cost of a project unless the governor and the Legislative Budget
26 Board approve the expenditure. Once the cost of a project reaches
27 the amount authorized for the project, each change to approved

1 project plans must be approved by the School Land [~~governor and the~~
2 ~~Legislative Budget~~] Board.

3 SECTION 40. Section 2166.305, Government Code, is amended
4 to read as follows:

5 Sec. 2166.305. REVIEW OF UNIFORM GENERAL CONDITIONS. (a)
6 The commissioner of the General Land Office [~~commission~~] shall
7 [~~require a~~] review [~~of~~] the uniform general conditions of state
8 building construction contracts whenever the commissioner
9 [~~commission~~] considers review worthwhile, but not less frequently
10 than once every five years.

11 (b) In conducting the review under Subsection (a), the
12 commissioner may consult [~~A committee appointed by the commission~~
13 ~~shall perform the review. The committee consists of~~]:

14 (1) [~~the director of facilities construction and space~~
15 ~~management appointed under Section 2152.104, who serves as the~~
16 ~~presiding officer of the committee,~~

17 [~~(2) six individuals appointed by the commission, one~~
18 ~~each from the lists of nominees submitted respectively by the:~~

19 [(A) ~~president of~~] the Texas Society of
20 Architects;

21 (2) [(B) ~~president of~~] the Texas Society of
22 Professional Engineers;

23 (3) [(C) ~~presiding officer of~~] the Executive Council
24 of the Texas Associated General Contractors Chapters;

25 (4) [(D) ~~executive secretary of~~] the Mechanical
26 Contractors Associations of Texas, Incorporated;

27 (5) [(E) ~~executive secretary of~~] the Texas Building

1 and Construction Trades Council; ~~[and]~~

2 (6) ~~[(F) president of]~~ the Associated Builders and
3 Contractors of Texas;

4 (7) institutions ~~[(3) one individual appointed by~~
5 ~~the commission representing an institution]~~ of higher education, as
6 defined by Section 61.003, Education Code;

7 (8) state agencies ~~[(4) one individual appointed by~~
8 ~~the commission representing a state agency]~~ that have ~~[has a]~~
9 substantial ongoing construction programs ~~[program];~~

10 (9) ~~[(5) one individual appointed by the commission~~
11 ~~representing]~~ the attorney general's office;

12 (10) ~~[(6) one individual appointed by the commission~~
13 ~~representing the interests of]~~ historically underutilized
14 businesses; ~~[and]~~

15 (11) ~~[(7) two individuals appointed by the~~
16 ~~commission, each representing a different]~~ minority contractors
17 associations; and

18 (12) other interested parties ~~[association].~~

19 (c) The commissioner shall publish proposed amendments to
20 the uniform general conditions of state building construction
21 contracts in the Texas Register for comment not later than the 45th
22 day before adoption of the amendments. ~~[Members of the committee~~
23 ~~serve without compensation but may be reimbursed for actual and~~
24 ~~necessary expenses.]~~

25 SECTION 41. Section 2166.355(b), Government Code, is
26 amended to read as follows:

27 (b) The design professional or the design professional's

1 authorized representative shall:

2 (1) assist the commissioner of the General Land Office
3 ~~[commission]~~ in obtaining proposals from contractors and in
4 awarding and preparing construction contracts;

5 (2) be responsible for interpretation of the contract
6 documents and changes made to the contract documents;

7 (3) provide an interpretation of plans and
8 specifications as required during construction;

9 (4) check and approve samples, schedules, shop
10 drawings, and other submissions only for conformance with the
11 design concept of the project and for compliance with the
12 information in the contract documents;

13 (5) comment on and contribute to ~~[approve or~~
14 ~~disapprove]~~ all change order requests, as required by the
15 commissioner ~~[and, subject to Section 2166.257, prepare all change~~
16 ~~orders]~~;

17 (6) assemble all written guarantees required of the
18 contractors;

19 (7) make periodic visits to the project site to become
20 generally familiar with the progress and quality of the work and to
21 determine in general if the work is proceeding in accordance with
22 the contract documents;

23 (8) make a written inspection report after each visit
24 to the project site and send a copy of the report to the contractor
25 and the commissioner ~~[commission]~~;

26 (9) keep the commissioner ~~[commission]~~ informed of the
27 progress of the work and endeavor to guard against defects and

1 deficiencies in contractors' work;

2 (10) determine periodically the amount owing to the
3 contractors and recommend to the commissioner ~~[commission]~~ payment
4 of that amount; and

5 (11) conduct inspections to determine the dates of
6 substantial and final completion and notify the commissioner
7 ~~[commission]~~ and the using agency of the determination.

8 SECTION 42. Section 2166.453(b), Government Code, is
9 amended to read as follows:

10 (b) The commissioner of the General Land Office
11 ~~[commission]~~ may meet space needs of one or more state agencies that
12 are being met through leased space by purchasing or constructing
13 one or more buildings under this section. The purchase or
14 construction of a building may include the purchase of the
15 building's grounds and related improvements. The purchase or
16 construction of a building under this section must be:

17 (1) financed through bonds issued by the Texas Public
18 Finance Authority; and

19 (2) approved by the School Land Board ~~[legislature if~~
20 ~~it is in session or by the Legislative Budget Board if the~~
21 ~~legislature is not in session]~~.

22 SECTION 43. Section 2167.0011, Government Code, is amended
23 to read as follows:

24 Sec. 2167.0011. DEFINITION. In this chapter, "commission"
25 means the commissioner of the General Land Office ~~[Texas Facilities~~
26 ~~Commission]~~.

27 SECTION 44. Section 2167.002, Government Code, is amended

to read as follows:

Sec. 2167.002. PREREQUISITES FOR LEASING SPACE. ~~[(a)]~~ The commissioner of the General Land Office ~~[commission]~~ may lease space for a state agency in accordance with this chapter and the agency's specifications if~~+~~

~~[(1) state-owned space is not otherwise available to the agency; and~~

~~[(2)]~~ the agency has verified it has money available to pay for the lease.

~~[(b) In making a determination under this section that state-owned space is not available to a state agency, the commission must consider all reasonably available state-owned space in this state, regardless of whether utilizing state-owned space would require the agency to move all or part of the agency's operations to a different geographic location in this state.]~~

SECTION 45. Section 2167.0021, Government Code, is amended to read as follows:

Sec. 2167.0021. BEST INTEREST OF STATE ~~[VALUE STANDARD]~~ FOR LEASE OF SPACE. (a) The commissioner of the General Land Office may ~~[commission shall]~~ lease space for any purpose the commissioner determines is in the best interest of ~~[the use of a state agency on the basis of obtaining the best value for]~~ the state.

(b) ~~[The commission shall adopt rules establishing guidelines for the determination of best value in a lease contract.]~~ In determining the best interest of the state ~~[value]~~, the commissioner ~~[commission]~~ may consider:

(1) the cost of the lease contract;

- 1 (2) the condition and location of lease space;
- 2 (3) utility costs;
- 3 (4) access to public transportation;
- 4 (5) parking availability;
- 5 (6) security;
- 6 (7) telephone service availability;
- 7 (8) indicators of probable lessor performance under
- 8 the contract, such as the lessor's financial resources and the
- 9 lessor's experience;
- 10 (9) compliance with the architectural barriers law,
- 11 Chapter 469 [~~Article 9102, Revised Statutes~~]; and
- 12 (10) other relevant factors.

13 (c) This section does not prohibit the commissioner
14 [~~commission~~] from leasing space from the offeror that offers the
15 space at the lowest cost if the commissioner [~~commission~~]
16 determines that doing so is in [~~obtains~~] the best interest of [~~value~~
17 ~~for~~] the state.

18 SECTION 46. Sections 2167.053(a), (b), (c), and (d),
19 Government Code, are amended to read as follows:

20 (a) When space is leased through competitive bidding, the
21 commissioner of the General Land Office [~~commission~~] shall
22 determine the bid that is in the best interest of [~~provides the best~~
23 ~~value for~~] the state after considering moving costs, the cost of
24 time lost in moving, the cost of telecommunications services, and
25 other relevant factors.

26 (b) The commissioner [~~commission~~] shall send to the leasing
27 state agency:

(1) a copy of all bids received; and

(2) the commissioner's [~~commission's~~] recommended award.

(c) If, after review of the bids and evaluation of all relevant factors, the leasing state agency's opinion is that the bid selected by the commissioner [~~commission~~] is not the bid that is in the best interest of [~~provides the best value for~~] the state, it may file with the commissioner [~~commission~~] a written recommendation that the award be made to a bidder other than the commissioner's [~~commission's~~] recommended bidder. The leasing state agency's recommendation must contain the agency's justification for its recommendation and a complete explanation of all factors it considered.

(d) The commissioner [~~commission~~] shall fully consider the leasing state agency's recommendation in making an award to a bidder [~~and, if it does not agree, shall notify the agency of its disagreement in writing. The leasing state agency and the commission shall attempt to agree on the award~~].

SECTION 47. Section 2167.054, Government Code, is amended to read as follows:

Sec. 2167.054. LEASING SPACE THROUGH COMPETITIVE SEALED PROPOSALS. (a) The commissioner of the General Land Office [~~commission~~] may lease space using competitive sealed proposals.

(b) The commissioner [~~commission~~] shall solicit proposals by publishing a notice of request for proposals [~~in~~]:

(1) in the state business daily [~~Texas Register~~]; or [~~and~~]

1 (2) on the General Land Office's Internet website [~~a~~
2 ~~newspaper of general circulation in the county in which the space is~~
3 ~~to be leased~~].

4 (c) The commissioner [~~commission~~] shall open each proposal
5 in a manner that does not disclose the contents of the proposal
6 during the process of negotiating with competing offerors.

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

18 (e) The commissioner [~~commission~~] may not disclose
19 information derived from proposals submitted from competing
20 offerors in conducting discussions under Subsection (d).

21 (f) The commissioner [~~commission~~] shall provide each
22 offeror whose proposal meets the minimum requirements in the
23 request for proposals a reasonable opportunity to discuss and
24 revise its proposal.

25 (g) The commissioner [~~commission~~] shall make a written
26 award of a lease to the offeror whose proposal is in [~~provides~~] the
27 best interest of [~~value for~~] the state, considering price and the

1 evaluation factors in the request for proposals. The commissioner
2 [~~commission~~] shall state in writing in the contract file the
3 reasons for which an award is made.

4 (h) The commissioner [~~commission~~] shall refuse all
5 proposals if the commissioner [~~it~~] determines that none of the
6 proposals is acceptable.

7 (i) If the competitive sealed proposal procedure for
8 leasing space is used by a state agency that has been delegated
9 leasing authority under Section 2167.005, the agency shall follow
10 the procedures outlined by this section and any rules adopted by the
11 commissioner [~~commission~~].

12 SECTION 48. Section 2167.102, Government Code, is amended
13 to read as follows:

14 Sec. 2167.102. REMEDIAL ACTION AGAINST LESSOR. (a) When a
15 state agency occupying leased space is aware of circumstances that
16 require remedial action against the lessor, the agency shall notify
17 the commissioner of the General Land Office [~~commission~~].

18 (b) The commissioner [~~commission~~] may investigate the
19 circumstances and the lessor's performance under the contract.

20 (c) The attorney general on the commissioner's
21 [~~commission's~~] request shall represent [~~assist~~] the commissioner
22 [~~commission~~] in protecting the state's interest under a lease
23 contract.

24 SECTION 49. Sections 2167.104(a), (c), (d), and (e),
25 Government Code, are amended to read as follows:

26 (a) Subject to restrictions imposed by a lease or other
27 enforceable contract, the commissioner of the General Land Office

1 ~~[commission]~~, at the request of the occupying agency, may ~~[shall]~~
2 sublease part of a space leased under this chapter to a child care
3 provider for the operation of a child care facility.

4 (c) This section does not affect the duties of the
5 commissioner ~~[commission]~~ regarding child care facilities in
6 state-owned buildings and potential child care facility sites in
7 state-owned buildings under Chapter 663, 2165, or 2166.

8 (d) The occupying agency and the commissioner ~~[commission]~~
9 may agree to:

10 (1) procedures relating to the selection of the child
11 care provider;

12 (2) granting some preference in enrollment to children
13 of officers and employees of the occupying state agency; and

14 (3) any other matter regarding the operation of the
15 child care facility.

16 (e) The commissioner may ~~[commission shall]~~ sublease space
17 under this section to a child care provider approved by the
18 commissioner ~~[commission]~~ under Chapter 663 at a rate set by the
19 commissioner ~~[commission]~~.

20 SECTION 50. Section 2175.001(1-a), Government Code, is
21 amended to read as follows:

22 (1-a) "Commission" means the commissioner of the
23 General Land Office ~~[Texas Facilities Commission]~~.

24 SECTION 51. Section 2175.189, Government Code, is amended
25 to read as follows:

26 Sec. 2175.189. ADVERTISEMENT OF SALE. If the value of an
27 item or a lot of property to be sold is estimated to be more than

1 \$25,000, the commissioner of the General Land Office [~~commission~~]
2 shall advertise the sale at least once in the state business daily
3 or on the General Land Office's Internet website [~~at least one~~
4 ~~newspaper of general circulation in the vicinity in which the~~
5 ~~property is located~~].

6 SECTION 52. Section 2262.002, Government Code, is amended
7 by adding Subsection (c) to read as follows:

8 (c) This chapter does not apply to the Veterans' Land Board
9 or the General Land Office.

10 SECTION 53. Section 2262.004(d), Government Code, is
11 amended to read as follows:

12 (d) Notwithstanding Section 2262.001 or 2262.002, this
13 section applies to:

14 (1) an institution of higher education as defined by
15 Section 61.003, Education Code; [~~and~~]

16 (2) contracts of the Texas Department of
17 Transportation that relate to highway construction or highway
18 engineering; and

19 (3) the Veterans' Land Board and the General Land
20 Office.

21 SECTION 54. Section 2267.002, Government Code, as added by
22 Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular
23 Session, 2011, is amended to read as follows:

24 Sec. 2267.002. APPLICABILITY OF CHAPTER TO GOVERNMENTAL
25 ENTITIES ENGAGED IN PUBLIC WORKS. This chapter applies to a public
26 work contract made by a governmental entity authorized by state law
27 to make a public work contract, including:

1 (1) a state agency as defined by Section 2151.002,
2 including the General Land Office [~~Texas Facilities Commission~~];

3 (2) a local government, including:

4 (A) a county;

5 (B) a municipality;

6 (C) a school district;

7 (D) any other special district or authority,
8 including a hospital district, a defense base development authority
9 established under Chapter 379B, Local Government Code, and a
10 conservation and reclamation district, including a river authority
11 or any other type of water district; and

12 (E) any other political subdivision of this
13 state;

14 (3) a public junior college as defined by Section
15 61.003, Education Code; and

16 (4) a board of trustees governed by Chapter 54,
17 Transportation Code.

18 SECTION 55. Section 2267.065(a), Government Code, is
19 amended to read as follows:

20 (a) Chapters 2155, 2156, and 2166, any interpretations,
21 rules, or guidelines of the comptroller and the commissioner of the
22 General Land Office [~~Texas Facilities Commission~~], and
23 interpretations, rules, or guidelines developed under Chapter 2262
24 do not apply to a qualifying project under this chapter.

25 SECTION 56. Section 2267.452(b), Government Code, is
26 amended to read as follows:

27 (b) This section does not apply to enforcement of a contract

entered into by a state agency. In this subsection, "state agency" has the meaning assigned by Section 2151.002. The term includes the General Land Office [~~Texas Facilities Commission~~].

SECTION 57. Section 3151.003, Government Code, is amended to read as follows:

Sec. 3151.003. APPLICABILITY. This chapter does not apply to:

(1) the construction, renovation, or equipment of the Darrell K Royal-Texas Memorial Stadium or to improvements related to the stadium, except that the height of the stadium or a related improvement may not exceed 666 feet above sea level;

(2) the construction, redevelopment, or improvement of 11th Street pursuant to the East 11th and 12th Streets Redevelopment Program, except that the height of an improvement may not exceed 600 feet above sea level; ~~or~~

(3) the construction, redevelopment, or improvement of Robert Mueller Municipal Airport under a redevelopment and reuse plan for the airport adopted by the City of Austin; or

(4) the construction, redevelopment, or improvement of a building or structure initiated by the General Land Office.

SECTION 58. Section 35.101, Utilities Code, is amended by adding Subdivision (3) to read as follows:

(3) "State facility" means a state-owned building or facility that is under the management of the commissioner.

SECTION 59. Section 35.104, Utilities Code, is amended to read as follows:

Sec. 35.104. LIMIT IN CERTAIN AREAS. (a) Sections 35.102

and 35.103 do not apply to the rates, retail service area, facilities, or public retail customers of a municipally owned electric utility that has not adopted customer choice or an electric cooperative that has not adopted customer choice. In a certificated service area of an electric utility in which customer choice has not been introduced, the state may not engage in retail transactions that exceed 2.5 percent of a retail electric utility's total retail load.

(b) The limitation on retail transactions under Subsection (a) does not apply to a state facility provided electric service under Section 35.107.

SECTION 60. Subchapter D, Chapter 35, Utilities Code, is amended by adding Section 35.107 to read as follows:

Sec. 35.107. STATE-OWNED FACILITIES UNDER MANAGEMENT OF GENERAL LAND OFFICE. (a) The commissioner, acting on behalf of the state, may, under the State Energy Marketing Program and as provided by Sections 35.101, 35.102, and 35.103, sell or otherwise convey power or natural gas generated from royalties taken in kind as provided by Sections 52.133(f), 53.026, and 53.077, Natural Resources Code, directly to a state facility, including a state facility in the certificated service area of a municipally owned utility or an electric cooperative that has not adopted customer choice.

(b) In providing electricity to a state facility under the State Energy Marketing Program, the commissioner is entitled to nondiscriminatory access to the transmission and distribution system for the certificated service area in which the customer is

1 located, including the certificated service area of a municipally
2 owned utility or an electric cooperative that has not adopted
3 customer choice.

4 (c) A municipally owned utility or an electric cooperative
5 may continue to bill directly a state facility as provided by
6 Sections 40.057 and 41.057 for entities that have opted for
7 customer choice.

8 (d) If requested by the commissioner, metering and billing
9 services shall be performed by the transmission and distribution
10 utility, municipally owned utility, or electric cooperative in
11 whose certificated service area the state facility is located.

12 (e) The authority of the commissioner to provide
13 electricity to a state facility under this section does not
14 constitute the introduction of customer choice in the certificated
15 service area of a municipally owned utility or electric
16 cooperative.

17 SECTION 61. The following provisions of the Government Code
18 are repealed:

- 19 (1) Section 551.0726;
- 20 (2) Chapter 2152;
- 21 (3) Section 2155.147(c);
- 22 (4) Section 2165.155;
- 23 (5) Section 2165.2035(f);
- 24 (6) Sections 2165.205(a) and (c);
- 25 (7) Section 2165.212(b);
- 26 (8) Section 2165.215;
- 27 (9) Section 2166.052(b);

- (10) Section 2166.056(c);
- (11) Section 2166.152(e);
- (12) Sections 2166.257(b), (c), (d), and (e);
- (13) Section 2167.053(e); and
- (14) Section 2167.104(f).

SECTION 62. (a) The Texas Facilities Commission is abolished.

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

SECTION 63. (a) All powers and duties of the Texas Facilities Commission are transferred to the General Land Office.

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

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

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

(e) All personal property, including records, in the

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1 custody of the Texas Facilities Commission becomes the property of
2 the General Land Office.

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

5 SECTION 64. This Act takes effect September 1, 2013.