

By: Perry

S.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

relating to legislative oversight and funding of deferred maintenance projects.

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

SECTION 1. Subchapter I, Chapter 2165, Government Code, is amended to read as follows:

SUBCHAPTER I. DEFERRED MAINTENANCE FUNDING [~~FUND~~]

Sec. 2165.401. PURPOSE; INTENT. It is the intent of the legislature that state facilities be brought into a better state of repair to ensure the safety of employees and visitors, the efficiency of building operations, and a long-term reduction in repair costs by addressing deferred maintenance issues. [~~The deferred maintenance fund is created to fund projects for this purpose.~~]

Sec. 2165.402. DEFINITION. In this subchapter, "fund" means the state deferred maintenance fund under Section 49-g-4, Article III, Texas Constitution.

Sec. 2165.403. STATE DEFERRED MAINTENANCE FUND [~~ACCOUNT~~].  
(a) The legislature may appropriate money in the fund to state agencies to provide funding for deferred maintenance projects identified in the agencies' deferred maintenance plans [~~The fund is an account in the general revenue fund~~].

(b) This subsection applies only to an appropriation from the fund of money transferred to the fund from the economic

1 stabilization fund on January 1, 2020, or of investment earnings or  
2 interest attributable to that money. In making an appropriation to  
3 which this subsection applies, the legislature shall prioritize the  
4 following amounts:

5 (1) \$947,151,974 to the Parks and Wildlife Department  
6 for deferred maintenance projects, including facility maintenance;

7 (2) \$201,974,643 to the Texas Historical Commission  
8 for deferred maintenance projects, including courthouse  
9 renovation;

10 (3) \$10,947,537 to the Department of Public Safety for  
11 deferred maintenance projects;

12 (4) \$8,303,780 to the Texas Military Department for  
13 deferred maintenance projects;

14 (5) \$30,626,056 to the Texas Department of Criminal  
15 Justice for deferred maintenance projects;

16 (6) \$78,560,277 to the Texas Facilities Commission for  
17 deferred maintenance projects;

18 (7) \$42,345,526 to the Texas Department of  
19 Transportation for deferred maintenance projects;

20 (8) \$1,763,148 to the Department of State Health  
21 Services for deferred maintenance projects;

22 (9) \$4,444,199 to the State Preservation Board for  
23 deferred maintenance projects;

24 (10) to the Health and Human Services Commission:

25 (A) \$300,000,000 to increase the number of mental  
26 health beds at state hospitals in rural areas and state supported  
27 living centers in rural areas; and

1                    (B) \$143,007,114 for other deferred maintenance  
2 projects, including deferred maintenance at state hospitals and  
3 state supported living centers;

4                    (11) \$11,505,743 to the Texas Juvenile Justice  
5 Department for deferred maintenance projects; and

6                    (12) \$100,000,000 for the creation of a technology  
7 legacy fund [~~The fund consists of money appropriated, credited, or~~  
8 ~~transferred to the fund by or at the direction of the legislature~~].

9                    (c) The amounts described by Subsection (b) may be adjusted  
10 by the legislature in the General Appropriations Act as necessary,  
11 as determined by the legislature. The legislature may consider the  
12 report received from the Joint Oversight Committee on Government  
13 Facilities when making adjustments [~~Section 403.095 does not apply~~  
14 ~~to the fund~~].

15                    (d) The use of money credited to the fund by appropriation  
16 or transfer from the game, fish, and water safety account, the  
17 lifetime license endowment account, or another fund or account in  
18 the state treasury the use of which is subject to restrictions under  
19 the federal Dingell-Johnson Sport Fish Restoration Act (16 U.S.C.  
20 Section 777 et seq.), the federal Pittman-Robertson Wildlife  
21 Restoration Act (16 U.S.C. Section 669 et seq.), or other federal  
22 law, and the use of money earned as interest or other earnings on  
23 the investment of that money credited to the fund, continues to be  
24 subject to those federal restrictions and may be used only for a  
25 function required to manage this state's fish or wildlife resources  
26 in accordance with those federal restrictions.

27                    (e) Subsections (b) and (c) and this subsection expire

1 September 1, 2031.

2 Sec. 2165.404. JOINT OVERSIGHT COMMITTEE ON GOVERNMENT  
3 FACILITIES. (a) In this section, "committee" means the Joint  
4 Oversight Committee on Government Facilities.

5 (b) The committee is created to review deferred maintenance  
6 plans and receive implementation updates.

7 (c) The committee is composed of six members as follows:

8 (1) three members of the senate appointed by the  
9 lieutenant governor; and

10 (2) three members of the house of representatives  
11 appointed by the speaker of the house of representatives.

12 (d) The presiding officer of the committee shall alternate  
13 annually between:

14 (1) a member of the senate appointed by the lieutenant  
15 governor; and

16 (2) a member of the house of representatives appointed  
17 by the speaker of the house of representatives.

18 (e) A vacancy on the committee shall be filled in the same  
19 manner as the original appointment.

20 (f) The committee biennially shall provide a written report  
21 to the legislature that identifies:

22 (1) the amount of money spent for deferred  
23 maintenance;

24 (2) planned deferred maintenance projects; and

25 (3) the status of ongoing and completed deferred  
26 maintenance projects.

27 (g) The following persons shall provide staff support for

1 the committee:

2 (1) a member of the executive staff of the Parks and  
3 Wildlife Department with knowledge of the department's deferred  
4 maintenance plan or that person's designee;

5 (2) the chief financial officer of the Parks and  
6 Wildlife Department or that person's designee;

7 (3) a member of the executive staff of the Texas  
8 Historical Commission with knowledge of the commission's deferred  
9 maintenance plan or that person's designee;

10 (4) the chief financial officer of the Texas  
11 Historical Commission or that person's designee;

12 (5) a member of the executive staff of the Health and  
13 Human Services Commission with knowledge of the commission's  
14 deferred maintenance plan or that person's designee; and

15 (6) the chief financial officer of the Health and  
16 Human Services Commission or that person's designee.

17 (h) The committee has the powers of a joint committee of the  
18 legislature and may obtain funding in the same manner as a joint  
19 committee. The Texas Legislative Council may provide funding for  
20 the operations of the committee.

21 (i) The rules adopted by the 86th Legislature for the  
22 administration of joint committees created by proclamation apply to  
23 the committee to the extent the rules are consistent with this  
24 section.

25 (j) The committee is abolished and this section expires  
26 September 1, 2031.

27 SECTION 2. (a) In this section, "committee" means the

1 Joint Oversight Committee on Government Facilities created by  
2 Section 2165.404, Government Code, as added by this Act.

3 (b) The lieutenant governor and the speaker of the house of  
4 representatives shall make appointments to the committee not later  
5 than January 15, 2020.

6 (c) The lieutenant governor shall appoint the initial  
7 presiding officer of the committee.

8 SECTION 3. On January 1, 2020, the deferred maintenance  
9 fund account is abolished and the unencumbered balance of that  
10 account is transferred to the state deferred maintenance fund.

11 SECTION 4. This Act takes effect January 1, 2020, but only  
12 if the constitutional amendment proposed by the 86th Legislature,  
13 Regular Session, 2019, establishing the state deferred maintenance  
14 fund to provide funding for deferred maintenance at state  
15 facilities and transferring economic stabilization fund money to  
16 that fund is approved by the voters. If that amendment is not  
17 approved by the voters, this Act has no effect.