

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE D. STATE PURCHASING AND GENERAL SERVICES

CHAPTER 2165. STATE BUILDINGS, GROUNDS, AND PROPERTY

SUBCHAPTER A. CHARGE AND CONTROL OF STATE BUILDINGS AND PROPERTY

Sec. 2165.001. CUSTODIANSHIP OF STATE PROPERTY. (a) The commission:

(1) has charge and control of all public buildings, grounds, and property;

(2) is the custodian of all state personal property; and

(3) is responsible for the proper care and protection of state property from damage, intrusion, or improper use.

(b) The commission may:

(1) allocate space in a public building to the departments of state government for uses authorized by law; and

(2) make repairs to a public building necessary to accommodate uses of the space in the building.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.0195(b), eff. Sept. 1, 2003.

Sec. 2165.0011. DEFINITION. In this chapter, "commission" means the Texas Facilities Commission.

Added by Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. [3560](#)), Sec. 1.30, eff. September 1, 2007.

Sec. 2165.0012. AUTHORITY TO ADOPT RULES. The commission may adopt rules to efficiently and effectively administer this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. [3560](#)), Sec. 1.30, eff. September 1, 2007.

Sec. 2165.002. EXCEPTIONS TO COMMISSION CHARGE AND CONTROL. The provisions of Section [2165.001](#) relating to charge and control

of public buildings and grounds do not apply to buildings and grounds of:

(1) an institution of higher education, as defined by Section 61.003, Education Code;

(2) a state agency to which control has been specifically committed by law; and

(3) a state agency:

(A) that has demonstrated ability and competence to maintain and control its buildings and grounds; and

(B) to which the commission delegates that authority.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.0195(c), eff. Sept. 1, 2003.

Sec. 2165.003. ALLOCATION OF SPACE AFFECTING LEGISLATURE. The allocation of space affecting the quarters of either house of the legislature must have the approval of the speaker of the house of representatives or the lieutenant governor. The required approval is for the quarters allocated to the affected house.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.004. LEASE OF SPACE TO PUBLIC TENANTS IN CERTAIN STATE-OWNED BUILDINGS. (a) The commission may enter into a lease agreement with a department, commission, board, agency, or other instrumentality of the state, a political subdivision of the state, or the federal government or its instrumentalities for space in an office building subject to Chapter 2166. Except as provided by Subchapter E or other law, the commission may not lease space in the building to an individual, private corporation, association, partnership, or other private interest.

(b) The commission may adopt rules necessary to implement this section.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.005. NAMING OF STATE BUILDINGS. (a) This section prescribes the procedure for naming a building owned by this state,

including a building financed under Chapter [1232](#).

(b) The commission shall submit names proposed for a new state building to be used as a state or regional headquarters by a state agency, or proposals to rename an existing state building which is used as a state or regional headquarters by a state agency, to the presiding officers of the house of representatives and the senate.

(c) The name proposed by the commission for a state building to be used as a state or regional headquarters by a state agency may be approved and authorized only by concurrent resolution passed by the legislature and signed by the governor.

(d) The commission shall submit names proposed for a state building which will be used as a local headquarters by a state agency to the presiding officers of the house of representatives and the senate and the members of each body in whose district the building is located.

(e) The name proposed by the commission for a state building to be used as a local headquarters by a state agency may be approved and authorized only with the consent of the governor and the presiding officers of the house of representatives and the senate.

(f) A building that will be used as a state or regional headquarters for a state agency, other than a university building, a secure correctional facility operated by the Texas Juvenile Justice Department, or a prison, may bear the name of a person only if the person is deceased and was significant in the state's history.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 658, Sec. 2, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1420, Sec. 8.240, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1422, Sec. 14.12, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. [1549](#)), Sec. 113, eff. September 1, 2015.

Sec. 2165.006. DISPLAY OF POW/MIA FLAG. (a) In this section, "POW/MIA flag" means the National League of Families

POW/MIA flag identified by 36 U.S.C. Section 902.

(b) The POW/MIA flag shall be displayed at each state office building on:

- (1) the third Saturday in May, "Armed Forces Day";
- (2) the last Monday in May, "Memorial Day";
- (3) the 14th day of June, "Flag Day";
- (4) the fourth day of July, "Independence Day";
- (5) the 11th day of November, "Veterans Day"; and
- (6) "National POW/MIA Recognition Day."

Added by Acts 1999, 76th Leg., ch. 589, Sec. 1, eff. June 18, 1999.

Sec. 2165.0065. DISPLAY OF HONOR AND REMEMBER FLAG. (a) In this section, "Honor and Remember flag" means the Honor and Remember, Inc., flag.

(b) The Honor and Remember flag may be displayed at each state office building, at the State Cemetery under Section [2165.256](#), and at each veterans cemetery managed by the Veterans' Land Board on:

- (1) the third Saturday in May, "Armed Forces Day";
- (2) the last Monday in May, "Memorial Day";
- (3) the last Sunday in September, "Gold Star Mother's Day";
- (4) the 11th day of November, "Veterans Day"; and
- (5) any date on which a resident of this state is killed while serving on active duty in the armed forces of the United States.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1205 (S.B. [1373](#)), Sec. 1, eff. June 14, 2013.

Sec. 2165.007. FACILITIES MANAGEMENT SERVICES. (a) In this section, "facilities management services" means any state agency facilities management service that is not unique to carrying out a program of the agency. The term includes services related to facilities construction, facilities management, general building and grounds maintenance, cabling, and facility reconfiguration.

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state

agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

(1) a facility owned or operated by an institution of higher education;

(2) military facilities;

(3) facilities owned or operated by the Texas Department of Criminal Justice;

(4) facilities owned or operated by the Texas Juvenile Justice Department;

(5) facilities owned or operated by the Texas Department of Transportation;

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical Commission under Sections [442.0072](#) and [442.0073](#);

(7) a facility determined by the commission to be completely residential;

(8) a regional or field office of a state agency;

(9) a facility located within or on state park property;

(10) the property known as the Finance Commission Building described by deed recorded in Volume 5080, Page 1099, of the Deed Records of Travis County, Texas;

(11) the property known as the Credit Union Department Building described by deed recorded in Volume 6126, Page 27, of the Deed Records of Travis County, Texas;

(12) the property known as the Texas State Cemetery described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas; or

(13) facilities owned or operated by the Texas Department of Motor Vehicles.

Added by Acts 2003, 78th Leg., ch. 309, Sec. 2.01, eff. June 18, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 898 (H.B. [2621](#)), Sec. 3, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1317 (H.B. [2774](#)), Sec. 28(h), eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 8, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1358 (S.B. [1457](#)), Sec. 3, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 247 (S.B. [836](#)), Sec. 3, eff. May 29, 2015.

Acts 2015, 84th Leg., R.S., Ch. 932 (H.B. [2206](#)), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 215 (S.B. [1349](#)), Sec. 1, eff. May 28, 2017.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 8.014, eff. September 1, 2017.

Sec. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS BY TELEVISION OR FILM PRODUCTION COMPANY. (a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office and the agency or other entity under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal, subject to the final approval of the state agency or other state governmental entity that occupies the building or uses the grounds, if:

(1) the office and the state agency or other state governmental entity that occupies the building or uses the grounds determine, after the office consults with each agency or entity, that the use will not significantly interfere with the conduct of

state business;

(2) the production company provides a certificate of insurance covering the production:

(A) in an amount required by the office; and

(B) that names the state as an insured; and

(3) the proposal is to produce:

(A) a film, national broadcast, or episodic television series with a total production cost of \$250,000 or more; or

(B) a commercial with a total production cost of \$100,000 or more.

(d) The office shall supervise each use of a state building or grounds by a production company subject to the control and final authority of the state agency or other state governmental entity that occupies the building or uses the grounds.

(e) The office shall determine the fee to be charged for each day that a state building or grounds are used by a production company. The office may allow each state building or grounds to be used without charge, other than the reimbursement of expenses under Subsection (f), for seven days during each state fiscal year and may determine the allocation of those days. Fees collected under this subsection shall be deposited to the credit of the general revenue fund.

(f) The production company shall reimburse:

(1) a state agency or other state governmental entity for any cost incurred by the agency or other entity as a result of the use of a state building or grounds by the company; and

(2) the state agency or other state governmental entity having charge and control of a state building or grounds for the cost of repairing damage to the building or grounds resulting from use by the company.

(g) A state agency or other state governmental entity shall notify the production company in writing of any cost subject to reimbursement under Subsection (f). The production company shall reimburse the cost not later than the 21st day after the date on which it receives notice from the agency or other entity.

Added by Acts 2007, 80th Leg., R.S., Ch. 57 (H.B. [374](#)), Sec. 1, eff.

September 1, 2007.

Sec. 2165.009. ENERGY-EFFICIENT LIGHT BULBS IN STATE BUILDINGS. A state agency or institution of higher education in charge and control of a state building shall purchase for use in each type of light fixture in the building the commercially available model of light bulb that:

(1) uses the fewest watts for the necessary luminous flux or light output; and

(2) is compatible with the light fixture.

Added by Acts 2007, 80th Leg., R.S., Ch. 939 (H.B. 3693), Sec. 6, eff. September 1, 2007.

Renumbered from Government Code, Section 2165.008 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(46), eff. September 1, 2009.

#### SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION

Sec. 2165.051. INSPECTION OF STATE PROPERTY. (a) The commission shall frequently and at regular intervals inspect all public buildings and property to remain constantly informed of the condition of the buildings and property.

(b) The commission may inspect the buildings, property in the buildings, and other property under the State Preservation Board's control only at the board's request. The commission shall report to the board the results of an inspection. Restoration and repairs may be made only:

(1) at the board's direction; and

(2) by a contractor or agency chosen by the board.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.0195(d), eff. Sept. 1, 2003.

Sec. 2165.052. REPAIR AND IMPROVEMENT OF STATE BUILDINGS. On direction of the commission's attention to a needed improvement or repair of a building or office by the head of a department or office, the commission shall provide for and direct the repair or



improvement.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.053. MAINTENANCE OF SEWERS AND UTILITY CONDUITS. The commission shall give special attention to the effective maintenance of sewers and utility conduits.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.054. PLANS OF PUBLIC BUILDINGS. The commission shall prepare and keep in its offices a copy of the plans of each public building under its charge, and plans of each building's improvements, showing the exact location of all electrical wiring and all water, gas, and sewage pipes.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.0195(e), eff. Sept. 1, 2003.

Sec. 2165.056. POWERS IN RELATION TO OTHER AGENCY PROPERTY.

(a) The commission may, at a state agency's request, exercise the powers and duties given to the commission by this subchapter and Subchapters A, D, E, and F, on or with respect to any property owned or leased by the state.

(b) Services provided by the commission under this section are not subject to Chapter 771.

(c) The commission shall establish a system of charges for providing services under this section to assure recovery of the cost of providing the services and shall submit a purchase voucher or journal voucher after the close of each month to agencies for which services were performed.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.057. MANAGEMENT OF FACILITIES. (a) The commission shall develop and implement policies that clearly define the responsibilities of the commission and the commission's staff that relate to conducting facilities management services for state agency facilities under Section 2165.007.

(b) The state energy conservation office shall provide

utility management services for state agency facilities for which the commission provides facilities management services under Section [2165.007](#).

Added by Acts 2003, 78th Leg., ch. 309, Sec. 2.02, eff. June 18, 2003.

Sec. 2165.058. VENDING MACHINES; ENERGY-SAVING DEVICE REQUIRED. (a) This section does not apply to a vending machine that contains a perishable food product, as defined by Section [96.001](#), Civil Practice and Remedies Code.

(b) The commission shall require an entity that owns or operates a vending machine located in a building owned or leased by the state to activate and maintain any internal energy-saving or energy-management device or option that is already part of the machine or contained in the machine.

(c) The commission shall require the use of an external energy-saving or energy-management device for each vending machine that:

(1) is located in a building owned or leased by the state;

(2) operates with a compressor; and

(3) does not have an activated and operational internal energy-saving or energy-management device or option.

(d) An entity that owns or operates a vending machine subject to this section is responsible for any expenses associated with the acquisition, installation, or maintenance of an energy-saving device required by this section.

(e) The commission may impose an administrative fine on an entity that operates a vending machine subject to this section in an amount not to exceed \$250 a year for each machine found to be in violation of this section or rules adopted by the commission under this section.

(f) The commission shall adopt rules relating to the specifications for and regulation of energy-saving devices required by this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 939 (H.B. [3693](#)), Sec. 7, eff. September 1, 2007.

## SUBCHAPTER C. ALLOCATION OF SPACE

Sec. 2165.101. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to space to which, under Section 2167.001, Chapter 2167 applies.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.102. COMMISSION STANDARDS FOR SPACE. The commission shall adopt standards regarding state agencies':

(1) use of space; and

(2) needs for space, including types of space needed.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.103. CHILD CARE FACILITY STANDARDS. (a) The commission, in consultation with the Child Care Advisory Committee, shall by rule adopt standards regarding the type, size, and location of child care services that may be needed by a state agency based on an agency's location and employee demographics.

(b) The commission shall apply standards adopted under this section in fulfilling the commission's responsibilities relating to the establishment of child care facilities.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 7, eff. Sept. 1, 2001.

Sec. 2165.104. SPACE USE STUDY; LIMITATION ON ALLOCATION OF SPACE. (a) The commission periodically shall study the space requirements of state agencies that occupy space under the commission's charge and control, including state-owned space and space leased from other sources.

(b) The commission shall use the results of the study to:

(1) determine the optimal amount of space required for various state agency uses; and

(2) allocate space to state agencies in the best and most efficient manner possible.

(c) The commission shall adopt rules consistent with

private sector standards and industry best practices to govern the allocation of space. The commission shall exempt from the space allocation rules adopted under this subsection:

(1) an agency site at which there are so few employees that it is not practical to apply the rules adopted under this subsection to that site; and

(2) an agency site at which it is not practical to apply the rules adopted under this subsection because of the site's type of space or use of space.

(d) The commission shall conduct a study under this section at least once each state fiscal biennium.

(e) This section does not apply to space that is not occupied by a state agency as defined by Section [2151.002](#).

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1999, 76th Leg., ch. 1499, Sec. 1.28, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 309, Sec. 5.01, eff. June 18, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 155 (H.B. [2379](#)), Sec. 1, eff. September 1, 2005.

Sec. 2165.105. STATE AGENCY REQUEST FOR SPACE; COMMISSION DETERMINATIONS. (a) The head of a state agency or that person's designee shall send to the commission a written request for space the agency needs to perform its functions. A state agency may consider the need of its employees for child care services in its request for space.

(b) After consulting the state agency regarding the amount and type of space requested, the commission shall determine:

(1) whether a need for the space exists; and

(2) specifications for needed space.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.106. SHARING SPACE. The commission may:

(1) consolidate requests for space of two or more state agencies with similar needs; and

(2) obtain and allocate space so that it is shared by the agencies.

Sec. 2165.1061. SPACE ALLOCATION PLANS; TRANSITION PLANS.

(a) In this section:

(1) "Administrative office space" includes state-owned administrative office space and administrative office space leased by the state from other sources, but does not include space used by a health and human services agency as defined by Section 2167.004 for the delivery of direct client services or space located in a county with a population of 75,000 or less.

(2) "State agency" means a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute, but does not include a university system or an institution of higher education as defined by Section 61.003, Education Code.

(b) The commission shall study the space requirements of state agencies that occupy administrative office space. Each state agency shall conduct an on-site space analysis and develop a space allocation plan using rules developed by the commission. The space allocation plan shall identify usable and exempt space and shall specify whether each facility occupied by the state agency meets the requirements of Section 2165.104(c). Each state agency shall submit a copy of its space allocation plan to the commission not later than September 30 of each odd-numbered year.

(c) Based on a review of space allocation plans, the commission shall:

(1) identify areas of the state in which more than one state agency occupies administrative office space and that have the greatest potential for cost savings; and

(2) evaluate the feasibility of collocating administrative office space within the same local labor market as defined by Section 2308.002.

(d) The commission, in cooperation with affected state agencies, shall develop transition plans to implement the collocation of administrative office space. Each plan must include a detailed statement of the costs and benefits of the proposed collocation.

(e) The commission shall use the transition plans to colocate certain administrative office space of state agencies.

(f) Repealed by Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 3.01(2), eff. September 1, 2019.

(g) The commission shall study the potential for colocating the administrative office space of a state agency with the office space of a federal agency.

(h) Repealed by Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 3.01(2), eff. September 1, 2019.

Added by Acts 1997, 75th Leg., ch. 1398, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 52, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1203 (S.B. 1455), Sec. 16, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 3.01(2), eff. September 1, 2019.

Sec. 2165.107. PREFERENCES IN ASSIGNING SPACE. (a) In filling a request for space, the commission shall give preference to available state-owned space.

(b) In assigning office space in a state building financed from bond proceeds, the commission shall give first priority to a state agency that is not funded from general revenue.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.108. RULES. The commission shall adopt rules necessary to administer its functions under this subchapter.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER D. LEASE OF PUBLIC GROUNDS

Sec. 2165.151. AUTHORITY TO LEASE PUBLIC GROUNDS. All public grounds belonging to the state under the commission's charge and control may be leased for agricultural or commercial purposes.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.152. LEASE OF BUILDING SPACE NOT AFFECTED. This subchapter does not apply to space in a building that the commission may lease to a private tenant under Subchapter E.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.153. ADVERTISEMENT OF LEASE PROPOSALS. The commission shall advertise a lease proposal under this subchapter once a week for four consecutive weeks in at least two newspapers, one of which is published in the municipality in which the property is located or in the daily paper nearest to the property, and the other of which has statewide circulation.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.155. APPROVAL BY ATTORNEY GENERAL. Each lease under this subchapter is subject to the approval of the attorney general regarding both substance and form.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

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

(1) in the state treasury to the credit of the general revenue fund; or

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

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.157. FORMS, RULES, AND CONTRACTS. The commission shall adopt proper forms, rules, and contracts that will in its best judgment protect the interest of the state.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.158. REJECTION OF BIDS. The commission may reject any and all bids under this subchapter.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER E. LEASE OF SPACE IN STATE-OWNED BUILDINGS TO PRIVATE  
TENANTS

Sec. 2165.201. PURPOSE OF SUBCHAPTER. The purpose of this subchapter is to:

- (1) encourage the most efficient use of valuable space in state office buildings and parking garages;
- (2) serve the needs of employees and visitors in the buildings;
- (3) provide child care services for state employees; and
- (4) enhance the social, cultural, and economic environment in and near the buildings.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.202. APPLICABILITY. This subchapter applies only to the lease of space in a state-owned building to a private tenant.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.203. LEASE; FAIR MARKET VALUE. In a state-owned building that is under the commission's control and that is used primarily for office space or vehicle parking for state government, the commission may lease at fair market value space to private tenants for commercial, cultural, educational, or recreational activities.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; PRIVATE COMMERCIAL USE. (a) In this section, "lease" includes a management agreement.

(b) The commission shall develop private, commercial uses for state-owned parking lots and garages located in the city of Austin at locations the commission determines are appropriate for commercial uses outside of regular business hours.

(c) The commission may contract with a private vendor to manage the commercial use of state-owned parking lots and garages.

(d) Money received from a lease under this program shall be



deposited to the credit of the general revenue fund.

(d-1) From the money received under Subsection (d), an amount equal to the costs associated with the lease of state parking lots and garages, including costs of trash collection and disposal, grounds and other property maintenance, and the remedying of any damage to state property, may be appropriated only to the commission to pay those costs.

Without reference to the amendment of this subsection, this subsection was repealed by Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 99(23), eff. September 1, 2013.

(e) On or before December 1 of each even-numbered year, the commission shall electronically submit a report to the legislature and the Legislative Budget Board describing the effectiveness of the program under this section.

(f) The limitation on the amount of space allocated to private tenants prescribed by Section 2165.205(b) does not apply to the lease of a state-owned parking lot or garage under this section.

(g) Any lease of a state-owned parking lot or garage under this section must contain a provision that allows state employees who work hours other than regular working hours under Section 658.005 to retain their parking privileges in a state-owned parking lot or garage. Such a lease must also provide that any state employee showing a State of Texas employee identification card is permitted to park in any state-owned parking lot or garage free of charge after normal business hours and on weekends. The foregoing provision does not apply to a lease to an institution of higher education under which all spaces in a parking lot or garage are leased for a time certain if parking in an alternate state-owned parking lot or garage is available to state employees.

(h) Nonprofit, charitable, and other community organizations may apply to use state parking lots and garages located in the city of Austin in the area bordered by West Fourth Street, Lavaca Street, West Third Street, and Nueces Street free of charge or at a reduced rate. The executive director of the commission shall develop a form to be used to make such

applications. The form shall require information related to:

(1) the dates and times of the free use requested;

(2) the nature of the applicant's activities associated with the proposed use of state parking lots and garages; and

(3) any other information determined by the executive director of the commission to be necessary to evaluate an application.

(i) To be considered timely, an application must be submitted at least one month before the proposed use, unless this provision is waived by the executive director of the commission.

(j) The executive director of the commission may approve or reject an application made under Subsection (h).

Added by Acts 2003, 78th Leg., ch. 309, Sec. 3.01, eff. June 18, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1183 (S.B. [1533](#)), Sec. 1, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 910 (S.B. [1068](#)), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 10, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. [59](#)), Sec. 99(23), eff. September 1, 2013.

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; PRIVATE INDIVIDUAL USE OF EXCESS INDIVIDUAL PARKING SPACES. (a) The commission may lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin if the commission determines the parking space to be in excess of the number of parking spaces sufficient to accommodate the regular parking requirements of state employees employed near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

(c) In leasing a parking space under Subsection (a), the

commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section [2165.2035](#), including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for a parking space under Subsection (a), the commission shall give preference to an individual who is currently leasing or previously leased the parking space.

Added by Acts 2011, 82nd Leg., R.S., Ch. 910 (S.B. [1068](#)), Sec. 2, eff. June 17, 2011.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; CERTAIN GOVERNMENTAL ENTITIES' USE OF EXCESS BLOCKS OF PARKING SPACE. (a) The commission may lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin if the commission determines the parking spaces located in the lot or garage to be in excess of the number of parking spaces sufficient to accommodate the regular parking requirements of state employees employed near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

(c) In leasing all or a block of a state-owned parking lot or garage under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section [2165.2035](#), including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for all or a block of a state-owned parking lot or garage under Subsection (a), the commission shall give preference to an entity that is currently leasing or previously leased the lot or garage or a block of the lot or garage.

Added by Acts 2011, 82nd Leg., R.S., Ch. 910 (S.B. [1068](#)), Sec. 2, eff. June 17, 2011.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before

December 1 of each even-numbered year, the commission shall electronically submit a report to the legislature and Legislative Budget Board describing the effectiveness of parking programs developed by the commission under this subchapter. The report must, at a minimum, include:

- (1) the yearly revenue generated by the programs;
- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by the commission to:
  - (A) modify administration of the programs; and
  - (B) increase revenue generated by the programs.

Added by Acts 2011, 82nd Leg., R.S., Ch. 910 (S.B. [1068](#)), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 11, eff. June 14, 2013.

Sec. 2165.205. LIMITATIONS ON AMOUNT, LOCATION, AND USE OF LEASED SPACE. (a) The commission may not lease space to a private tenant for use as private office space unless the private office space is related and incidental to another commercial, cultural, educational, recreational, or child care activity of the tenant in the building.

(b) Except as provided by this subchapter and Chapter [663](#), the commission shall determine the amount of space in a building to be allocated to private tenants and the types of activities in which the tenants may engage according to the market for certain activities among employees and visitors in the building and in the vicinity of the building.

(c) Except as provided by Section [2165.215](#), the amount of space allocated to private tenants may not exceed 15 percent of the total space in the building. Space leased to provide child care services for state employees does not count toward the 15 percent maximum.

(d) If the commission allocates space in a building to a private tenant, it shall encourage the tenant to lease space with

street frontage or space in another area of heavy pedestrian activity.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.206. LEASE OF SPACE FOR CHILD CARE FACILITY. (a) Providing a site for a child care facility in a state-owned building has first priority over all other uses of a building, except for the purposes essential to the official functions of the agencies housed in the building.

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

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

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 8, eff. Sept. 1, 2001.

Sec. 2165.207. METHOD OF SELECTING TENANT. (a) The commission may lease space in a building by negotiating a lease with a tenant or by selecting the tenant through competitive bidding. In either event, the commission shall follow procedures that promote competition and protect the state's interests.

(b) If the space is leased for the purpose of providing child care services for state employees, the commission may select the child care provider through procedures other than competitive bidding.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 9, eff. Sept. 1, 2001.

Sec. 2165.208. UTILITIES AND CUSTODIAL SERVICES. (a) The commission may furnish utilities and custodial services to a private tenant at cost.

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

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 10, eff. Sept. 1, 2001.

Sec. 2165.209. SUBLEASES AND ASSIGNMENTS. The commission may permit a private tenant to sublease or assign space that the tenant leases. The commission must approve in writing all subleases and assignments of leases.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 11, eff. Sept. 1, 2001.

Sec. 2165.210. REFUSAL TO LEASE SPACE OR PERMIT AN ACTIVITY. The commission may refuse to lease space to a person or to permit an activity in a space if the commission considers the refusal to be in the state's best interests.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 761, Sec. 11, eff. Sept. 1, 2001.

Sec. 2165.211. USE OF LEASE PROCEEDS. Money received from a lease under this subchapter may be used only for building and property services performed by the commission.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.212. VENDING FACILITIES; TEXAS COMMISSION FOR THE BLIND. (a) The commission shall request the 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 commission intends to lease space to a private tenant, other than a child care provider. If the installation of the facility is feasible, the commission shall permit the installation in accordance with Chapter 94, Human Resources Code.

(b) If a vending facility is installed, the commission may

not lease space in the building to a tenant that the commission, after consultation with the Texas Commission for the Blind, determines would be in direct competition with the vending facility.

(c) If the Texas Commission for the Blind determines that the installation of a vending facility is not feasible, the 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.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.213. AD VALOREM TAXATION. (a) Space leased to a private tenant is subject to ad valorem taxation in accordance with Section [11.11](#)(d), Tax Code.

(b) The space is not subject to taxation if:

(1) the private tenant would be entitled to an exemption from taxation of the space if the tenant owned the space instead of leasing it; or

(2) the tenant uses the space for a child care facility.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.214. PREFERENCE IN LEASING TO CERTAIN EXISTING VENDING FACILITIES. Notwithstanding the other provisions of this subchapter or Chapters [2155](#), [2156](#), [2157](#), and [2158](#), the commission shall give a preference, when leasing space in a state-owned building for the operation of a vending facility as defined by Chapter 94, Human Resources Code, to an existing lessee, licensee, or contractor who operates a vending facility on the property if:

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

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

(3) the commission finds there is a history of quality and reliable service; and

(4) the proposal of the existing lessee, licensee, or

contractor for the right to continue operation of the facility is consistent with the historical quality of service and the historical retail pricing structure at the facility.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.215. PURCHASE OF BUILDING SUBJECT TO EXISTING LEASES. (a) If the commission determines under Section 2166.452 or 2166.453 that the purchase of an existing building is more advantageous to the state than constructing a new building or continuing to lease space for a state agency, but a purchase of the building would be subject to existing leases to private tenants that exceed 15 percent of the building's total space, the commission may purchase the building subject to existing leases notwithstanding Section 2165.205.

(b) On expiration of a private tenant's existing lease, the commission may renew the lease subject to this subchapter, including Section 2165.205.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

#### SUBCHAPTER F. PARTICULAR BUILDINGS AND PROPERTY

Sec. 2165.251. BUILDINGS ALLOCATED TO LEGISLATIVE USE. (a) The space in the old State Board of Insurance State Office Building, located on San Jacinto Street between 11th and 12th streets in Austin, the Sam Houston Building, and the John H. Reagan Building are allocated to the legislature and legislative agencies for their use.

(b) On written notice signed by both presiding officers of the legislature and delivered to the commission, the following buildings are allocated to the legislature and legislative agencies to the extent described in the notice: Lorenzo de Zavala State Library and Archives Building, Stephen F. Austin Building, Lyndon B. Johnson Building, and William B. Travis Building. On receipt of notice under this subsection, the commission shall begin immediately to undertake the relocation of agencies occupying space in buildings allocated to legislative use. The space must be made available for legislative use on a date determined by the presiding



officers of the legislature.

(c) The presiding officers of each house of the legislature shall jointly allocate space within each building.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 17.04(a), eff. Sept. 1, 1997.

Sec. 2165.252. TEXAS JUDICIAL COMPLEX. (a) "Texas Judicial Complex" is the collective name of the Supreme Court Building, the Tom C. Clark State Courts Building, and the Price Daniel, Sr., Building.

(b) The commission may allocate space in buildings in the Texas Judicial Complex only to:

- (1) a court;
- (2) a judicial agency;
- (3) the attorney general's office;
- (4) the Texas Department of Criminal Justice;
- (5) the Texas Juvenile Justice Department;
- (6) the State Commission on Judicial Conduct;
- (7) the State Office of Administrative Hearings;
- (8) the Board of Law Examiners;
- (9) the Council on Sex Offender Treatment;
- (10) building security;
- (11) building maintenance; or
- (12) a vending facility operated under Chapter 94,

Human Resources Code.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. [1549](#)), Sec. 114, eff. September 1, 2015.

Sec. 2165.253. USE OF ROOM IN STATE CAPITOL BUILDING. A person may not use a room, apartment, or office in the State Capitol as a bedroom or for a private purpose. This section does not apply to the offices and living quarters occupied by the lieutenant governor or the speaker of the house of representatives.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.254. STATE CAPITOL BUILDING: SAFE PLACE FOR RUNAWAY YOUTH DESIGNATION. The State Capitol is designated a safe place for runaway youth. The commission shall devise a plan to provide services and assistance to runaway youth seeking services at the State Capitol following standards set by national organizations with expertise in services for runaway youth, including the Project Safe Place Program. In this section:

(1) "Youth" means a person younger than 18 years of age.

(2) "Safe place" means a place that provides short-term crisis-oriented assistance and services to runaway youth.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.255. CONSENT OF LEGISLATURE REQUIRED FOR CONSTRUCTION ON STATE CAPITOL GROUNDS; PENALTY. (a) A person, including a state officer or employee, commits an offense if, without the prior express consent of the legislature, the person:

(1) builds, erects, or maintains a building, memorial, monument, statue, concession, or other structure on the State Capitol grounds; or

(2) creates a parking area, or lays additional paving on the State Capitol grounds.

(b) It is not an offense under Subsection (a) to build or maintain paved access and underground utility installations in the area described by Subsection (a).

(c) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$1,000;

(2) confinement in the county jail of Travis County for not more than one year; or

(3) both the fine and confinement.

(d) A state officer who is subject to removal from office by impeachment is subject to removal by that method for a violation of Subsection (a). Any other state officer or employee who violates Subsection (a) shall be dismissed immediately from state

employment.

(e) In this section, "State Capitol grounds" means the area that surrounded the State Capitol on January 1, 1955, that was bounded by 11th, Brazos, 13th, and Colorado streets, regardless of whether the area was inside or outside the fence that enclosed part of those grounds.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.256. STATE CEMETERY AND OTHER BURIAL GROUNDS.

(a) In this section:

(1) "Board" means the State Preservation Board.

(2) "Committee" means the State Cemetery Committee.

(a-1) The board, in cooperation with the committee, shall govern and provide oversight, adopt rules and policies, and provide for the operation of the State Cemetery.

(b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(1), eff. September 1, 2015.

(b-1) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(1), eff. September 1, 2015.

(c) The committee shall procure and erect at the head of each grave that does not have a permanent monument a marble obelisk on which shall be engraved the name of the dead buried in the grave.

(d) Persons eligible for burial in the State Cemetery are:

(1) a former member of the legislature or a member who dies in office;

(2) a former elective state official or an elective state official who dies in office;

(3) a former state official or a state official who dies in office who has been appointed by the governor and confirmed by the senate and who served at least 10 years in the office to which appointed;

(4) a person specified by a governor's proclamation, subject to review and approval by the committee under Subsection (e);

(5) a person specified by a concurrent resolution adopted by the legislature, subject to review and approval by the committee under Subsection (e); and

(6) a person specified by order of the committee under Subsection (e).

(e) The committee shall review the names of state officials presented to the committee for consideration under Subsection (d)(3), in proclamations under Subsection (d)(4), and in resolutions under Subsection (d)(5). A person whose name is presented to the committee or who is specified in a proclamation or resolution is eligible for burial in the State Cemetery only if the committee, following its review, finds that the person specified made a significant contribution to Texas history and only if, based on that finding, the committee approves the person's burial in the cemetery. The committee may by order authorize a burial under Subsection (d)(6) only if the committee finds that the person made a significant contribution to Texas history, which may include a person who served this state through public administration or governmental service.

(f) Grave spaces are allotted for:

(1) a person who is eligible or who clearly will be eligible for burial under Subsection (d);

(2) the person's spouse; and

(3) the person's unmarried child of any age, if the child, on September 1, 1979, or at the time of the child's death, because of a long-standing physical or mental condition that was manifest during the lifetime of one of the child's parents, is dependent on another for care or support.

(g) A child eligible for burial under Subsection (f)(3) must be buried alongside the child's parent or parents.

(h) A grave plot may not be longer than eight feet nor wider than three feet times the number of persons of one family authorized to be buried alongside one another.

(i) The board, in collaboration with the committee, shall adopt rules regulating the monuments erected in the State Cemetery.

(j) A tree, shrub, or flower may not be planted in the State Cemetery without the committee's written permission.

(k) A person may be buried on state property only in the State Cemetery or in a cemetery maintained by a state eleemosynary institution. Other state property, including the State Capitol

grounds, may not be used as a burial site.

(1) The committee shall allot and locate the necessary number of grave plots authorized on application made by:

(1) the person primarily eligible for burial under Subsection (d);

(2) the person's spouse; or

(3) the executor or administrator of the person's estate.

(m) The committee shall consider for burial in the State Cemetery persons who have made significant contributions to Texas history and culture in the following fields: air and space, agriculture, art and design, business and labor, city building, education, governmental service, industry, justice, military affairs, law enforcement, oil and gas, performing arts, philanthropy, public administration, ranching, religion, science and medicine, sports, and writing.

(n) The committee shall consider for reinterment in the State Cemetery persons from the following eras: Spanish exploration and colonization, Mexican, Texas revolution, republic and statehood, Civil War and Reconstruction, frontier, Gilded Age, progressive, Great Depression and World War II, postwar, and modern.

(o) The committee shall designate different areas of the cemetery for burial of persons from the fields described in Subsection (m).

(p) The committee shall develop plans for obtaining land adjacent to the State Cemetery for expansion of the cemetery.

(q) The committee shall actively pursue plot reservations from persons eligible for burial in the State Cemetery.

(r) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(1), eff. September 1, 2015.

(s) The committee may accept a gift, grant, or bequest of money, securities, services, or property to carry out any purpose of the committee, including funds raised or services provided by a volunteer or volunteer group to promote the work of the committee. The committee may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise

funds for or provide services or other benefits to the committee, and the committee may contract with such an organization for the performance of such activities.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 17.05(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 264, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 102, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 486, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1422, Sec. 8.01, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 684, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 645 (H.B. [2900](#)), Sec. 1, eff. June 17, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1243 (S.B. [1871](#)), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 932 (H.B. [2206](#)), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 932 (H.B. [2206](#)), Sec. 5(1), eff. September 1, 2015.

Sec. 2165.2561. STATE CEMETERY COMMITTEE. (a) In this section:

(1) "Board" means the State Preservation Board.

(2) "Committee" means the State Cemetery Committee.

(a-1) The committee is composed of:

(1) three voting members appointed as follows:

(A) one member of the general public appointed by the governor;

(B) one member of the general public appointed by the governor from a list submitted by the lieutenant governor; and

(C) one member of the general public appointed by the governor from a list submitted by the speaker of the house of representatives; and

(2) three nonvoting advisory members appointed as follows:

(A) one employee of the Texas Historical Commission appointed by the executive director of the Texas

Historical Commission;

(B) one employee of the board appointed by the executive director of the board; and

(C) one employee of the Parks and Wildlife Department appointed by the executive director of the Parks and Wildlife Department.

(b) The governor shall designate the presiding officer of the committee from among its members, and the presiding officer shall serve in that capacity for two years.

(c) The voting members of the committee are appointed for staggered terms of six years with one member's term expiring February 1 of each odd-numbered year. The advisory members of the committee serve at the will of the appointing authority.

(d) Appointments to the committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) A vacancy on the committee is filled by the appointing authority in the same manner as the original appointment.

(f) An employee member vacates the member's position on the committee if the member ceases to be an employee of the appointing agency.

(g) A person is not eligible for appointment to the committee under Subsection (a-1)(1) if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the committee;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the committee; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the committee, other than compensation or reimbursement authorized by law for committee membership, attendance, or expenses.

(h) A person may not serve as a member of the committee if the person is required to be registered as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf

of a profession related to the operation of the State Cemetery.

(i) A public member of the committee is not entitled to compensation but is entitled to reimbursement, from committee funds, for the travel expenses incurred by the member while conducting the business of the committee, as provided in the General Appropriations Act. The entitlement of an employee member to compensation or reimbursement for travel expenses is governed by the law applying to the person's service in that underlying position, and any payments to the person shall be made from the appropriate funds of the employing agency.

(j) All plans, programs, and materials relating to historical interpretation of the State Cemetery shall be submitted to the Texas Historical Commission for its review and approval. The Texas Historical Commission may provide staff support for activities interpreting the historical features of the State Cemetery.

(k) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(2), eff. September 1, 2015.

(l) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(2), eff. September 1, 2015.

(m) The board, in collaboration with the committee, may adopt rules as necessary for the administration of the State Cemetery.

(n) It is a ground for removal from the committee that a member:

(1) does not have at the time of taking office the qualifications required by Subsection (a);

(2) does not maintain during service on the committee the qualifications required by Subsection (a);

(3) is ineligible for membership under Subsection (g) or (h);

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote



of the committee.

(o) The validity of an action of the committee is not affected by the fact that it is taken when a ground for removal of a committee member exists.

(p) If the executive director of the board has knowledge that a potential ground for removal from the committee exists, the executive director shall notify the presiding officer of the committee of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the committee, who shall then notify the governor and the attorney general that a potential ground for removal exists.

(q) The executive director of the board or the executive director's designee shall provide to members of the committee, as often as necessary, information regarding the requirements for office under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.

(r) A person who is appointed to and qualifies for office as a member of the committee may not vote, deliberate, or be counted as a member in attendance at a meeting of the committee until the person completes a training program that complies with this subsection. The training program must provide the person with information regarding:

(1) the legislation that created the State Cemetery and the committee;

(2) the programs operated by the committee;

(3) the role and functions of the committee;

(4) the rules of the committee, with an emphasis on any rules that relate to disciplinary and investigatory authority;

(5) the results of the most recent formal audit of cemetery operations;

(6) the requirements of:

(A) the open meetings law, Chapter 551;

(B) the public information law, Chapter 552;

(C) the administrative procedure law, Chapter [2001](#); and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(7) any applicable ethics policies adopted by the board, the committee, or the Texas Ethics Commission.

(s) A person appointed to the committee is entitled to reimbursement, as provided by Chapter [660](#) and the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(t) Repealed by Acts 2015, 84th Leg., R.S., Ch. 932 , Sec. 5(2), eff. September 1, 2015.

(u) The committee shall develop and implement policies that provide the public with a reasonable opportunity to appear before the committee and to speak on any issue under the jurisdiction of the committee.

(v) The State Cemetery Committee shall erect a flagpole and an appropriate monument in the military monument area of the State Cemetery dedicated to military personnel from the state who are killed while serving in a combat zone. When the committee is notified by the Texas Veterans Commission that a member of the United States armed forces from the state was killed while serving in a combat zone, the committee shall ensure that the flag at the monument is displayed at half-staff for an appropriate period as a mark of respect to the memory of the deceased member of the armed forces.

Added by Acts 1997, 75th Leg., ch. 264, Sec. 2, eff. Sept. 1, 1997.  
Amended by Acts 2001, 77th Leg., ch. 1422, Sec. 8.02, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1394 (S.B. [2135](#)), Sec. 1, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 932 (H.B. [2206](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 932 (H.B. [2206](#)), Sec. 5(2), eff. September 1, 2015.

Sec. 2165.258. OFFICE SPACE FOR DEPARTMENT OF PUBLIC SAFETY; AMERICAN LEGION BUILDING. The commission shall provide office space to the Department of Public Safety in the American Legion Building or in another suitable facility acceptable to the department for the Capitol District.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Sec. 2165.259. CAPITOL COMPLEX. (a) In this section, "Capitol Complex" has the meaning assigned by Section [443.0071](#).

(b) Notwithstanding Subchapter D and subject to Subsection (d), the commission may not lease, sell, or otherwise dispose of real property or an interest in real property located in the Capitol Complex.

(c) This section does not affect the commission's authority under Subchapter E to lease space in state office buildings and parking garages.

(d) The commission may develop or operate a qualifying project, as that term is defined by Section [2267.001](#), in the Capitol Complex if:

(1) the legislature by general law specifically authorizes the project; and

(2) before the commission enters into a comprehensive agreement for the project, the legislature individually approves the project under Section [2268.058](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 713 (H.B. [3436](#)), Sec. 1, eff. June 14, 2013.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 12, eff. June 14, 2013.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1339 (S.B. [894](#)), Sec. 1, eff. June 14, 2013.

Sec. 2165.260. TEXAS MALL AREA VENDOR PERMIT. (a) In this section, the "Texas mall area of the Capitol Complex" means the state-owned property within the area bounded on the north by Martin Luther King, Jr., Boulevard, on the east by Brazos Street, on the south by 15th Street, and on the west by Colorado Street.

(b) Notwithstanding any other law, the State Preservation Board by rule and in consultation with the commission and other appropriate state agencies shall establish a process for a vendor to apply for and obtain from the board a permit that allows the vendor to sell goods from a rented space during an event authorized by the board and held in the Texas mall area of the Capitol Complex.

(c) The State Preservation Board is not required to adopt the rules required under Subsection (b) until the Capitol Complex master plan developed under Section 2166.105 is implemented and the Texas mall proposed in the plan is established.

Added by Acts 2017, 85th Leg., R.S., Ch. 121 (H.B. 635), Sec. 1, eff. September 1, 2017.

Sec. 2165.261. PROPERTY PURCHASES AND CONSTRUCTION PROJECTS BY SELF-DIRECTED SEMI-INDEPENDENT AGENCIES. (a) This section applies only to a state agency that has self-directed semi-independent status under state law.

(b) Notwithstanding Chapter 472 of this code, Chapter 16, Finance Code, Chapter 1105, Occupations Code, or any law other than this subsection, a state agency must obtain written authorization from the governor before allocating money for the purchase of real property or to construct a building on real property. This subsection does not limit the authority of the legislature under other law to authorize construction projects or the purchase of real property.

(c) To apply for authorization under this section, a state agency, in accordance with procedures prescribed by the governor, shall:

(1) submit to the Texas Facilities Commission:

(A) a detailed description of the proposed property purchase or construction project and the agency's need for the purchase or project; and

(B) a request for an analysis by the commission of any available state property or building that satisfies the agency's need; and

(2) submit to the governor:

(A) a request for written authorization for the

purchase or project that includes the detailed description submitted under Subdivision (1)(A), the total amount of money required to complete the purchase or project, and the agency's justification for the purchase or project; and

(B) the analysis obtained from the commission under Subdivision (1)(B).

(d) A state agency that receives written authorization under Subsection (c) shall:

(1) collaborate with the Texas Facilities Commission with respect to the purchase or project; and

(2) notify the commission and the General Land Office on completion of the purchase or project.

(e) The governor may adopt rules necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 335 (S.B. 646), Sec. 1, eff. September 1, 2019.

#### SUBCHAPTER G. INDOOR AIR QUALITY

Sec. 2165.301. DEFINITIONS. In this subchapter:

(1) "Air monitoring" and "asbestos abatement" have the meanings assigned by Section 1954.002, Occupations Code.

(2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 3.029(1), eff. September 1, 2015.

(2-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Office" means the State Office of Risk Management.

(4) "State building" means any building owned or occupied by the state, including buildings or offices leased to the state for state purposes.

Added by Acts 2003, 78th Leg., ch. 857, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.285, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 3.029(1), eff. September 1, 2015.

Sec. 2165.303. AIR MONITORING RELATED TO ASBESTOS ABATEMENT. (a) The commission shall contract with a private entity to conduct any air monitoring that is related to asbestos abatement services provided by the commission.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 856 (S.B. 800), Sec. 25(4), eff. September 1, 2021.

(c) The commission may establish a system of charges for air monitoring that is related to asbestos abatement services provided by the commission. A system established by the commission shall ensure that the commission is reimbursed by agencies for which air monitoring is provided under this section for the cost of the air monitoring.

Added by Acts 2003, 78th Leg., ch. 857, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 3.001, eff. September 1, 2015.

Acts 2021, 87th Leg., R.S., Ch. 856 (S.B. 800), Sec. 25(4), eff. September 1, 2021.

Sec. 2165.305. EDUCATIONAL SEMINAR ON INDOOR AIR QUALITY.

(a) The office shall conduct an annual, one-day educational seminar on indoor air quality.

(b) The office shall provide updated information at the seminar on maintaining safe indoor air in state buildings.

(c) In developing a seminar required by this section, the office shall receive assistance from:

(1) the commission; and

(2) an entity that specializes in research and technical assistance related to indoor air quality but does not receive appropriations from the state.

(d) State agency risk managers, representatives of entities with charge and control of state buildings, facility managers, and owners and managers of buildings or offices leased to the state must attend a seminar under this section annually except as provided by Subsection (f).

(e) The office shall publish on its Internet website the

information provided at the most recent seminar required by this section.

(f) If a person required to attend an educational seminar on indoor air quality cannot do so, that person must send a letter to the office certifying that the person has reviewed the information made available by the office on the Internet from that seminar.

Added by Acts 2003, 78th Leg., ch. 857, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 3.002, eff. September 1, 2015.

#### SUBCHAPTER H. PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE: QUALIFYING PROJECTS

Sec. 2165.351. DEFINITIONS. In this subchapter:

(1) "Partnership Advisory Commission" means the Partnership Advisory Commission created by Chapter 2268.

(2) "Qualifying project" has the meaning assigned by Section 2267.001, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. 211), Sec. 13, eff. June 14, 2013.

Sec. 2165.352. COMMISSION REVIEW GUIDELINES AND POLICIES.

(a) In adopting the qualifying project review guidelines required by Section 2267.052, as added by Chapter 1334 (S.B. 1048), Acts of the 82nd Legislature, Regular Session, 2011, the commission must include review criteria and documentation to guide the initial review of each substantially complete qualifying project proposal received by the commission.

(b) The review criteria required under Subsection (a) at a minimum must include:

(1) the extent to which the qualifying project meets a public need;

(2) the extent to which the project meets the objectives and priorities of the commission and aligns with any applicable commission plans and design guidelines or zoning

requirements, including the Capitol Complex master plan developed under Section [2166.105](#);

(3) the technical and legal feasibility of the project;

(4) the adequacy of the qualifications, experience, and financial capacity of a private entity or other person submitting the proposal;

(5) any potentially unacceptable risks to this state; and

(6) whether an alternative delivery method is feasible and more effectively meets this state's goals.

(c) The commission's qualifying project review guidelines must:

(1) specify the types of professional expertise, including financial, real estate, design, legal, and other related expertise, needed to effectively protect this state's interest when considering and implementing a qualifying project;

(2) specify the range of professional expertise needed at each stage of the project, including proposal evaluation, financial analysis, risk allocation analysis, design review, contract negotiation, and contract and performance monitoring, to evaluate the qualifying project proposal; and

(3) require the oversight committee established by the commission for each qualifying project to report to the commission the results of the committee's evaluation of the project, including the schedules, procedures, proposal evaluation criteria, and documentation required in the guidelines for the evaluation.

(d) On completion of the negotiation phase for the development of a comprehensive agreement and before a comprehensive agreement is entered into, the commission shall:

(1) for each qualifying project proposal, post on the commission's Internet website the oversight committee's review report and other evaluation documents; and

(2) before posting the report and documents required under Subdivision (1), redact all information included in the report and documents that is considered confidential under Section [2267.066](#)(c).



(e) The expertise described by Subsection (c) may be provided by commission staff or outside experts.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. 211), Sec. 13, eff. June 14, 2013.

Sec. 2165.353. QUALIFYING PROJECT FEES. (a) The commission may charge a reasonable fee to cover the costs of reviewing a qualifying project. The commission shall develop and adopt a qualifying project proposal fee schedule sufficient to cover its costs, including at a minimum the costs of processing, reviewing, and evaluating the proposals.

(b) The commission shall use the professional expertise information required under Section 2165.352(c) to determine the amount of the fee charged by the commission to review a qualifying project proposal. The amount must be reasonable in comparison to the level of professional expertise required for the project and may include the cost of staff time required to process the proposal and other direct costs.

(c) The commission may use the money from the fees collected under this section to hire or contract with persons who have the professional expertise necessary to effectively evaluate a qualifying project proposal.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. 211), Sec. 13, eff. June 14, 2013.

Sec. 2165.354. INITIAL REVIEW OF QUALIFYING PROJECT PROPOSAL. (a) The commission staff shall conduct an initial review of each qualifying project proposal submitted to the commission and provide to commission members a summary of the review, including an analysis and recommendations.

(b) Subject to Subsection (c), the commission shall use a value for money analysis in evaluating each qualifying project proposal to:

(1) conduct a thorough risk analysis of the proposal that identifies specific risks shared between this state and the private partner and subjects the risks to negotiation in the contract;

(2) determine if the proposal is in the best long-term financial interest of this state; and

(3) determine if the project will provide a tangible public benefit to this state.

(c) If commission staff determine that a value for money analysis is not appropriate for evaluating a specific qualifying project proposal, the staff shall submit to the commission a written report stating the reasons for using an alternative analysis methodology.

(d) The commission shall coordinate with the commission's office of internal audit for review and receipt of comments on the reasonableness of the assumptions used in the value for money analysis or alternative analysis methodology used to evaluate a qualifying project proposal under this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 13, eff. June 14, 2013.

Sec. 2165.355. INITIAL PUBLIC HEARING ON QUALIFYING PROJECT PROPOSAL. (a) Before submitting a detailed qualifying project proposal to the Partnership Advisory Commission as required under Section [2268.058](#), the commission must hold an initial public hearing on the proposal.

(b) The commission must post a copy of the detailed qualifying project proposal on the commission's Internet website before the required public hearing and, before posting the proposal, redact all information included in the proposal that is considered confidential under Section [2267.066\(c\)](#).

(c) After the hearing, the commission shall:

(1) modify the proposal as the commission determines appropriate based on the public comments; and

(2) include the public comments in the documents submitted to the Partnership Advisory Commission and provide any additional information necessary for the evaluation required under Chapter [2268](#).

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 13, eff. June 14, 2013.

Sec. 2165.356. SUBMISSION OF QUALIFYING PROJECT CONTRACT TO CONTRACT ADVISORY TEAM. (a) Not later than the 60th day before the date the commission is scheduled to vote on approval of a qualifying project contract, the commission must submit to the Contract Advisory Team established under Subchapter C, Chapter 2262, documentation of the modifications to a proposed qualifying project made during the commission's evaluation and negotiation process for the project, including a copy of:

- (1) the final draft of the contract;
- (2) the detailed qualifying project proposal; and
- (3) any executed interim or other agreement.

(b) The Contract Advisory Team shall review the documentation submitted under Subsection (a) and provide written comments and recommendations to the commission. The review must focus on, but not be limited to, best practices for contract management and administration.

(c) Commission staff shall provide to the commission members:

- (1) a copy of the Contract Advisory Team's written comments and recommendations; and
- (2) the staff's response to the comments and recommendations.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. 211), Sec. 13, eff. June 14, 2013.

Sec. 2165.3561. MUNICIPAL PROJECT. Not later than the 30th day before the date the commission is scheduled to meet and vote on a project to develop or improve state property in a municipality, the commission staff must:

- (1) place the project on the commission's meeting agenda to provide the public with notice of the meeting and an opportunity to comment; and
- (2) present sufficient information to commission members to enable the members to adequately prepare for the meeting and to address the members' questions and concerns.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. 211), Sec. 13, eff. June 14, 2013.

Sec. 2165.357. PROHIBITED EMPLOYMENT OF COMMISSION EMPLOYEE. (a) A commission employee may not be employed or hired by another person to perform duties that relate to the employee's specific duties in developing and implementing a qualifying project, including review, evaluation, development, and negotiation of a qualifying project proposal.

(b) The commission shall obtain from each commission employee sufficient information for the commission to determine whether:

(1) the employee is employed by another person; and

(2) a potential conflict of interest exists between the employee's commission duties and the employee's duties with the other employer.

(c) Each commission employee whose commission duties relate to a qualifying project, including long-range planning, real estate management, space management, and leasing services, shall attest that the employee is aware of and agrees to the commission's ethics and conflict-of-interest policies.

(d) To the extent the employment is authorized by commission policy, this section does not prohibit additional employment for a commission employee whose commission duties are not related to a qualifying project.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1153 (S.B. [211](#)), Sec. 13, eff. June 14, 2013.

#### SUBCHAPTER I. DEFERRED MAINTENANCE FUNDING

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.

Added by Acts 2015, 84th Leg., R.S., Ch. 212 (S.B. [2004](#)), Sec. 2,

eff. May 28, 2015.

Sec. 2165.402. DEFINITION. In this subchapter, "fund" means the deferred maintenance fund.

Added by Acts 2015, 84th Leg., R.S., Ch. 212 (S.B. 2004), Sec. 2, eff. May 28, 2015.

Sec. 2165.403. DEFERRED MAINTENANCE FUND ACCOUNT. (a) The fund is an account in the general revenue fund.

(b) The fund consists of money appropriated, credited, or transferred to the fund by or at the direction of the legislature, including interest and other earnings on money in the fund.

(c) Section 403.095 does not apply to the fund.

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

Added by Acts 2015, 84th Leg., R.S., Ch. 212 (S.B. 2004), Sec. 2, eff. May 28, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 371 (H.B. 3537), Sec. 1, eff. June 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 858 (H.B. 3461), Sec. 15, eff. September 1, 2023.

For expiration of this section, see Subsection (j).

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

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

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

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

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

(d) The chair of the committee shall alternate annually between:

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

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

(e) The lieutenant governor shall appoint the first chair of the committee.

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

(g) The committee biannually shall provide a written report to the legislature that identifies:

(1) the amount of money expended for deferred maintenance;

(2) planned deferred maintenance projects; and

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

(h) The committee shall:

(1) have the powers and duties of a joint committee created by proclamation; and

(2) obtain funding in the same manner as a joint committee created by proclamation.

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

(j) The committee is abolished and this section expires on September 1, 2025.

Added by Acts 2019, 86th Leg., R.S., Ch. 420 (S.B. [401](#)), Sec. 2, eff. June 4, 2019.

SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC  
BUILDINGS

Sec. 2165.451. APPLICABILITY. (a) This subchapter applies to a building or portion of a building:

(1) that is:

(A) used by an agency of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the state agency in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) This subchapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07, Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 1, eff. September 1, 2021.

Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A state agency may provide temporary secure weapon storage for a building or portion of a building to which this subchapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) The temporary secure weapon storage may be provided by:

(1) self-service weapon lockers described by Section 2165.453; or

(2) other temporary secure weapon storage operated at all times by a designated state agency employee under Section 2165.454.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 1, eff. September 1, 2021.

Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A state agency may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) A self-service weapon locker must allow secure locking by the user and:

(1) provide a key for reopening; or

(2) reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) A state agency may require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) A person placing a weapon in a self-service weapon locker may designate an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 1, eff. September 1, 2021.

Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide temporary secure weapon storage operated by a designated agency employee for a building or portion of a building in which weapons are prohibited.

(b) The weapons in temporary secure weapon storage must be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) If a person chooses to give to the designated employee the person's weapon for temporary secure storage, the employee shall:

(1) securely affix a claim tag to the weapon;

(2) provide the person with a claim receipt for reclaiming the weapon;



(3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and

(4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) A person may reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

(1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or

(2) the person's driver's license or other form of identification.

(e) A state agency that provides temporary secure weapon storage under this section shall ensure that:

(1) the temporary secure weapon storage is available and monitored by a designated agency employee at all times that the building or portion of the building is open to the public; and

(2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 1, eff. September 1, 2021.

Sec. 2165.455. FEES. A state agency under this subchapter may collect a fee of not more than \$5 for the use of a self-service weapon locker or other temporary secure weapon storage.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. 29), Sec. 1, eff. September 1, 2021.

Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is unclaimed at the end of a business day may be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) If practicable, the state agency shall notify the person who placed the weapon in a self-service weapon locker or other

temporary secure storage that the weapon is in the custody of the state agency and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. If the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, the state agency shall notify the person by using that telephone number.

(c) At each location where a weapon may be placed in a self-service weapon locker or other temporary secure storage, the state agency shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The state agency may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the state agency may charge a fee of not more than \$10 per day and not to exceed a total of \$150 for the extended storage of the weapon.

(e) If the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) If the forfeited weapon may not be legally possessed in this state, the state agency shall turn the weapon over to local law enforcement as evidence or for destruction.

(g) If a person may legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter [1802](#), Occupations Code; or

(2) the law enforcement agency holding the weapon may release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section [2165.453](#)(d) or [2165.454](#)(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person may lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a firearm at public sale under this section.

(i) Proceeds from the sale of a weapon under this section shall be transferred, after the deduction of auction costs, to the general revenue fund.

Added by Acts 2021, 87th Leg., R.S., Ch. 786 (H.B. [29](#)), Sec. 1, eff. September 1, 2021.