

**SUBJECT:** Appointing members of the Texas Building and Procurement Commission

**COMMITTEE:** Government Reform — favorable, without amendment

**VOTE:** 5 ayes — Swinford, Callegari, Casteel, T. Smith  
0 nays  
2 absent — Gallego, Allen, R. Cook

**WITNESSES:** None

**BACKGROUND:** Government Code, sec. 2152.051 establishes a seven-member Texas Building and Procurement Commission. The governor appoints three members directly and two from a list submitted by the House speaker. The lieutenant governor appoints the other two members. Commission members serve staggered six-year terms, with two or three members' terms expiring January 31 of each odd-numbered year.

**DIGEST:** Beginning January 31, 2007, HB 65 would establish a five-member Building and Procurement Commission, all of whom would be appointed by the governor. Commission members would serve staggered six-year terms, with one or two terms expiring on January 31 of odd-numbered years.

Current members of the commission could continue serving their terms. Until 2007, two or three members' terms would expire January 31 of each odd-numbered year, and the governor would have to appoint a person to fill any vacancy or expired term. The positions filled by commission members appointed by the governor from a list submitted by the House speaker would be abolished when the terms expired on January 31, 2007.

The bill would take effect November 1, 2003.

**SUPPORTERS SAY:** The Building and Procurement Commission is an executive branch agency and should be governed by a commission appointed by the governor as head of the executive branch. The commission's predecessor agency was governed by a commission of all gubernatorial appointments until 2001, when SB 311

by Zaffirini, the sunset legislation enacted by the 77th Legislature, chipped away at the governor's powers by creating a new commission with the current composition. HB 65 would return the commission to being appointed entirely by the governor.

The bill would not concentrate more power in the Governor's Office but simply would restore an executive branch duty of the governor.

**OPPONENTS  
SAY:**

HB 65 would concentrate more power in the governor's hands at the expense of the Legislature. In 2007, the lieutenant governor and House speaker would lose their authority to recommend or appoint members to the Building and Procurement Commission. The bill would produce no cost savings and would remove important oversight by commission members who are more accountable to the legislative branch for an agency that has important administrative duties affecting the entire state government.