

By: Swinford

H.B. No. 3003

A BILL TO BE ENTITLED

AN ACT

relating to the management, use, and information about state facilities, real property, and other property.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.007 to read as follows:

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 and management, energy management, general building and grounds maintenance, facility leasing, and data facilities management.

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all facilities used for a state agency's headquarters in Travis County or a county adjacent to Travis County.

SECTION 2. Subchapter B, Chapter 2165, Government Code, is amended by adding Section 2165.057 to read as follows:

Sec. 2165.057. MANAGEMENT OF FACILITIES. 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.

1 SECTION 3. Subtitle E, Title 10, Government Code, is  
2 amended by adding Chapter 2206 to read as follows:

3 CHAPTER 2206. USE AND MANAGEMENT OF STATE PROPERTY

4 Sec. 2206.001. DEFINITION. In this chapter, "capital  
5 charge" means an amount paid to the state by a state agency based on  
6 real property owned by the agency and designed to provide budgetary  
7 incentives for an agency to use its property in a cost-effective  
8 manner.

9 Sec. 2206.002. INFORMATION ON REAL PROPERTY. Each state  
10 agency shall include, as part of its legislative appropriations  
11 request, the following information on any real property owned by  
12 the agency:

13 (1) total land owned, in acres;

14 (2) total building space owned, in usable square feet;

15 (3) location of property owned, by county,  
16 municipality, and survey;

17 (4) historical or acquisition costs of property owned  
18 and improvements;

19 (5) appraised market value of property owned, if  
20 known, including year of appraisal;

21 (6) if an appraisal is not available or is more than  
22 four years old, estimated market value of property owned using  
23 available indices or comparisons to county central appraisal  
24 district data, local economic data, or other sources;

25 (7) current use, expected use during the next  
26 biennium, and expected long-term use of the property owned;

27 (8) recommendations on the retention or disposition of

1 property owned and, if the agency recommends that a property be  
2 disposed of, efforts made to market the property; and

3 (9) estimated impact, if any, of the capital charge  
4 system on federal direct and indirect cost recovery.

5 Sec. 2206.003. TEXAS AGENCY INFRASTRUCTURE COMMISSION. (a)  
6 In this section, "commission" means the Texas Agency Infrastructure  
7 Commission.

8 (b) The Texas Agency Infrastructure Commission is created  
9 to:

10 (1) investigate the number and function of state  
11 agency field offices; and

12 (2) recommend the colocation or closure of state  
13 agency field offices, if appropriate.

14 (c) The commission is composed of:

15 (1) four members appointed by the governor;

16 (2) one member appointed by the governor who serves as  
17 presiding officer;

18 (3) one member appointed by the lieutenant governor;

19 (4) one member appointed by the governor from a list of  
20 persons submitted by the speaker of the house of representatives;

21 (5) one member appointed by the land commissioner; and

22 (6) one member appointed by the comptroller.

23 (d) The governor may reject the persons on a list submitted  
24 under Subsection (c)(4) and require a new list to be submitted.

25 (e) A member of the commission may not receive compensation  
26 but is entitled to reimbursement, as provided by the General  
27 Appropriations Act, for the travel expenses incurred in conducting

1 the business of the commission. The travel expenses of a member are  
2 payable from the funds appropriated to the office of the officer who  
3 appointed the member, except that the expenses of a member  
4 appointed under Subsection (c)(4) are payable from the funds  
5 appropriated to the office of the speaker.

6 (f) Employees of the governor's office and the asset  
7 management division of the General Land Office shall staff the  
8 commission.

9 (g) The commission shall meet at the call of the presiding  
10 officer.

11 (h) Before September 1, 2004, the commission shall submit a  
12 report with its findings and recommendations for state agency field  
13 offices to:

14 (1) the legislature;

15 (2) the governor; and

16 (3) the comptroller.

17 (i) This section expires and the commission is abolished on  
18 September 1, 2004.

19 SECTION 4. Subchapter A, Chapter 12, Parks and Wildlife  
20 Code, is amended by adding Section 12.0261 to read as follows:

21 Sec. 12.0261. ASSESSMENT OF USING STATE LAND FOR PUBLIC  
22 HUNTING. (a) Not later than January 31 of each even-numbered year,  
23 the department shall request an inventory and assessment from all  
24 state agencies holding state land that may be suitable for public  
25 hunting, including land in the permanent university fund.

26 (b) Not later than June 1 of each even-numbered year, each  
27 state agency contacted shall provide the department with an

1 inventory of the land the agency holds in this state and an  
2 assessment of the potential of each property listed on the  
3 inventory for use in a public hunting program to be managed by the  
4 department.

5 (c) Based on the inventories and assessments received under  
6 Subsection (b), the department shall identify land appropriate for  
7 public hunting. If the department finds that the economic benefit  
8 of making the land available for a public hunting program is greater  
9 than the costs to this state, including administrative, personnel,  
10 and environmental costs or costs associated with the loss of use of  
11 the land for other purposes, the department shall prepare a  
12 detailed proposal to implement a public hunting program for that  
13 land.

14 (d) The department shall send to the affected state agency  
15 its proposal for a property selected under Subsection (c). Before a  
16 public hunting program may begin on land identified under this  
17 section, the department and the affected agency must agree on the  
18 terms of the proposal.

19 (e) Not later than December 31 of each even-numbered year,  
20 the department shall report on the results of the assessments,  
21 proposals, and programs under this section to the governor, the  
22 lieutenant governor, the speaker of the house of representatives,  
23 and the chairs of appropriate house and senate committees.

24 SECTION 5. Subchapter D, Chapter 201, Transportation Code,  
25 is amended by adding Section 201.210 to read as follows:

26 Sec. 201.210. ASSET MANAGEMENT. (a) The department shall  
27 implement a comprehensive asset management system for owned and

1 leased assets, excluding rights-of-way. The system shall include:

2 (1) an annual statewide asset review;

3 (2) creation of standards for classifying assets;

4 (3) monitoring of asset transactions and the  
5 development of timetables for transactions;

6 (4) use of the department's leased facilities  
7 database, if feasible;

8 (5) incorporation of:

9 (A) previous department asset assessments; and

10 (B) information from the General Land Office's  
11 evaluation of department real property; and

12 (6) integration with department district information  
13 systems.

14 (b) The department shall create a statewide facilities  
15 master plan for owned and leased real property, including  
16 department facilities. The plan shall:

17 (1) be updated every biennium;

18 (2) distinguish between simple and complex assets;

19 (3) include the development of timetables for asset  
20 transactions; and

21 (4) implement the recommendations from the General  
22 Land Office's evaluation of department real property by the end of  
23 fiscal year 2006, not including recommendations relating to the  
24 Sugarland Prison Farm, the Leander Rehabilitation Center, and the  
25 department district's headquarters in San Antonio.

26 (c) The department shall develop and publish guidelines for  
27 barter transactions involving department facilities.

1       (d) The department shall hire qualified specialists and  
2 analysts as necessary to implement this section.

3       SECTION 6. Subchapter I, Chapter 201, Transportation Code,  
4 is amended by adding Section 201.7045 to read as follows:

5       Sec. 201.7045. REPAIR AND MAINTENANCE OF HIGHWAY EQUIPMENT  
6 AND MOTOR VEHICLES. In connection with the repair and maintenance  
7 of highway equipment and motor vehicles used by the department, the  
8 department shall:

9           (1) hold district engineers accountable for  
10 compliance with equipment preventative maintenance schedules;

11           (2) improve maintenance practices so as to reduce  
12 downtime and total equipment requirements and to improve equipment  
13 reliability and salvage value;

14           (3) require that, whenever practicable, preventative  
15 maintenance be performed on equipment and vehicles when they are  
16 not being used for operations;

17           (4) recalculate district shop and labor rate  
18 calculations to reflect "best practice" standards; and

19           (5) use outside contractors to perform after-hours  
20 maintenance whenever the department has evaluated the  
21 cost-effectiveness of after-hours maintenance and determined that  
22 performing after-hours maintenance is the most efficient option.

23       SECTION 7. (a) Not later than September 1, 2004, the Texas  
24 Department of Transportation shall adopt rules for leasing  
25 rights-of-way, including highway medians and light towers for  
26 telecommunications purposes.

27       (b) The department may appoint a rules advisory committee

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1 that includes representatives of the telecommunications industry  
2 to assist the department in drafting the rules.

3 SECTION 8. This Act takes effect September 1, 2003.