

By: Ellis S.B. No. 388
(In the Senate - Filed February 6, 2003; February 11, 2003,
read first time and referred to Committee on Government
Organization; March 31, 2003, reported adversely, with favorable
Committee Substitute by the following vote: Yeas 7, Nays 0;
March 31, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 388 By: Ellis

A BILL TO BE ENTITLED
AN ACT

relating to the use and management of certain state-owned real
property.

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

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

CHAPTER 2206. USE AND MANAGEMENT OF STATE PROPERTY

Sec. 2206.001. DEFINITION. In this chapter, "committee"
means the Texas Real Property Interim Committee.

Sec. 2206.002. TEXAS REAL PROPERTY INTERIM COMMITTEE. (a)
The Texas Real Property Interim Committee is created to:

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

(2) sell, close, or colocate state agency field
offices, if appropriate.

(b) The committee is composed of:

(1) the governor or the governor's designee, who
serves as presiding officer;

(2) the lieutenant governor or the lieutenant
governor's designee;

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

(4) the land commissioner or the land commissioner's
designee;

(5) the comptroller or the comptroller's designee; and

(6) the executive director of the Texas Building and
Procurement Commission as a nonvoting member.

(c) The governor may reject the persons on a list submitted
under Subsection (b)(3) and require a new list to be submitted.

(d) The committee may request the assistance of the
employees of the Legislative Budget Board and the state auditor's
office in carrying out the committee's duties.

(e) The committee shall meet at least quarterly at the call
of the presiding officer.

Sec. 2206.003. POWERS AND DUTIES OF COMMITTEE. The
committee may require a state agency to:

(1) sell real property or any part of real property
used as an agency field office if the committee determines that the
property is not being used or is being substantially underused for
the purposes of efficiently and effectively performing the
functions of state government;

(2) terminate a lease of real property used as an
agency field office according to the terms of the lease if the
committee determines that the functions of state government can be
more efficiently and effectively performed by the agency at a
different location; or

(3) colocate a field office with one or more other
state agencies if the committee determines that the functions of
state government can be more efficiently and effectively performed
by the agencies at the same location.

Sec. 2206.004. PROCEEDS FROM SALE OF PROPERTY.
Notwithstanding any other law, proceeds from the sale of real
property sold under Section 2206.003 shall be deposited in the fund
from which the money used to buy the property was taken, if the fund
is known and continues to exist. In any other circumstances, the

proceeds shall be deposited in the unobligated portion of the general revenue fund.

Sec. 2206.005. CAPITAL CHARGE. The committee, in consultation with the Legislative Budget Board, may impose a capital charge, as defined by Section 31.1586, Natural Resources Code, on a state agency that is payable by a specified date if the committee determines that:

(1) the state agency possesses real property that is not being put to its highest and best use; and

(2) it is not in the best interest of the state to sell the property.

Sec. 2206.006. EXPIRATION AND ABOLITION. This chapter expires and the committee is abolished on September 1, 2005.

SECTION 2. Subchapter E, Chapter 31, Natural Resources Code, is amended by adding Sections 31.1585 and 31.1586 to read as follows:

Sec. 31.1585. CERTAIN PROCEEDS. Notwithstanding any other law, proceeds from the sale of real property that was recommended for sale by the division and not disapproved for sale by the governor during the calendar years 1995 through 2002 shall be deposited in the unobligated portion of the general revenue fund and may only be appropriated to the state agency that possessed the property at the time of the sale for use by the state agency in performing its duties.

Sec. 31.1586. DEFINITION. For purposes of state law, "capital charge" means an amount paid to the state by a state agency based on real property owned by the agency and designed to provide budgetary incentives for an agency to use its property in a cost-effective manner.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

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