

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 15, 2009**

**TO:** Honorable Steve Ogden, Chair, Senate Committee on Finance

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB696** by Ellis (Relating to the lease of certain state parking facilities to other persons.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB696, As Introduced: a positive impact of \$1,421,004 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$707,926
2011	\$713,078
2012	\$712,962
2013	\$712,962
2014	\$712,962

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$63,050)	\$770,976	1.0
2011	(\$57,898)	\$770,976	1.0
2012	(\$58,014)	\$770,976	1.0
2013	(\$58,014)	\$770,976	1.0
2014	(\$58,014)	\$770,976	1.0

**Fiscal Analysis**

The bill would implement recommendations in the report, "Optimize the Use of State Parking Facilities," in the LBB *Government Effectiveness and Efficiency Report* submitted to the Eighty-First Texas Legislature, 2009.

The bill would expand the Texas Facilities Commission's (TFC) authority related to the operations of state-owned parking lots and garages. The bill would authorize the Commission to lease individual excess parking spaces to individuals. The bill would also authorize the Commission to lease an entire parking facility, or a significant part of a facility, to an institution of higher education, private business, or local government. The bill allows the Commission to hire a private vendor to manage the leasing operations. The bill directs revenue received from the leasing operations to be deposited to

General Revenue but limits its appropriation to the Texas grants program. Finally, the bill requires the Texas Facilities Commission to report biennially on the effectiveness of these lease operations.

### **Methodology**

The LBB estimates that implementing the provisions of the bill would result in revenue of \$772,000 per year. This estimate is based on leasing 40 percent of the currently available excess parking spaces in the Capitol Complex to individuals at \$50 per month. Because the exact implementation (number of parking spaces to be leased and the contract lease rate to be applied) is currently unknown, the Comptroller of Public Accounts cannot provide a certifiable revenue estimate at this time. Changes in the implementation of the program from the assumptions made above will alter projected revenue.

The implementation of a program to lease specific parking spaces to individuals would require the Texas Facilities Commission (TFC) to hire an additional employee due to the quantity of leases involved. The additional employee would cost \$63,000 of General Revenue Funds in fiscal year 2010 and \$58,000 of General Revenue Funds in fiscal year 2011, for a biennial cost of \$121,000. The TFC could manage the lease of entire parking facilities, or segments of parking facilities, with existing resources due to the limited number of opportunities.

The Texas Public Finance Authority (TPFA) believes leasing state parking facilities to private businesses, or the operation of a leasing program by a private vendor, could jeopardize the standing of the state's tax-exempt bonds related to the construction and maintenance of these facilities, if the use is not within specified limits. The calculation and analysis of such limits would require TPFA to obtain outside legal counsel. TPFA cannot calculate the potential cost to the state of losing tax-exempt status on any outstanding bond issuances, however, such a cost is considered significant.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 303 Facilities Commission, 304 Comptroller of Public Accounts, 347 Public Finance Authority

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