

BILL ANALYSIS

S.B. 1119
By: Kolkhorst
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, some state agencies adopted temporary telework and remote work policies to avoid employees congregating in office buildings. According to the Senate Committee on Business & Commerce's Interim Report to the 88th Legislature, several agencies, such as the Health and Human Services Commission and the Texas Workforce Commission, have continued to utilize telework and remote work policies. As a result, some state office buildings may be under capacity or unoccupied. Yet, the legislature does not have concrete information about the occupation statuses of state office buildings. S.B. 1119 seeks to address the lack of data and information that the legislature has about the occupational statuses, capacities, and costs of state office buildings by providing for studies of buildings and facilities owned, leased, or otherwise occupied by the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1119 amends the Government Code to require the Legislative Budget Board (LBB), not later than September 1, 2024, and the September 1 occurring every six years thereafter, to study and report the following to the legislature:

- how much money the state is spending on leased space for state agencies;
- the possibilities of moving personnel out of leased space into existing state-owned space;
- any efficiencies or cost savings that may be achieved by consolidating personnel and resources into existing state-owned space;
- any efficiencies or cost savings that may be achieved by consolidating personnel and resources into existing leased space, if no state-owned space is available;
- the impact of any such consolidation on the state's insurable assets; and
- the potential benefits of maintaining a comprehensive, regularly updated database of all buildings and facilities owned, leased, or otherwise occupied by the state.

The bill requires each state agency, based on such a report, to identify opportunities for the consolidation of personnel and resources into state-owned space, or, if state-owned space is not available, into space leased by the state. For these purposes, "state agency" includes a legislative agency.

S.B. 1119 requires the LBB to conduct an interim study on the buildings and facilities owned, leased, or otherwise occupied by the state and develop a statewide strategy to ensure that the

buildings and facilities are adequately utilized. The bill authorizes the LBB to delegate any authority granted to the LBB for purposes of the interim study that the LBB determines necessary to conduct the study.

S.B. 1119 requires the LBB or a state agency designated by the LBB, for each building or facility owned, leased, or otherwise occupied, solely or in part, by a state agency other than a public institution of higher education, to obtain the following information:

- the name of the agency that has charge and control of the building or facility;
- whether the building or facility is owned or leased, solely or in part, by the agency, or if not owned or leased, the arrangement under which the building or facility is otherwise occupied;
- the name or number of the building or facility;
- the address and geographic coordinates of the building or facility;
- the number of stories and the total square footage of the building or facility;
- the amount of available square footage in the building or facility for working personnel, the storage of resources, or any other useable purpose identified by the agency;
- that amount of square footage expressed as a percent of the total square footage;
- if the building or facility changed occupants on or after December 31, 2019:
 - with respect to a new occupant the location formerly occupied, the amount of square footage used at the formerly occupied location, and the amount of square footage used at the building or facility; and
 - with respect to a former occupant the location to which the former occupant moved, the amount of square footage formerly used at the building or facility, and the amount of square footage used at the newly occupied location;
- a description of the continuity of government operation plans to conduct business in alternate sites in the event of a disaster or other emergency; and
- the average monthly utility expenses for the building or facility during the previous 12 months.

S.B. 1119 requires the LBB or a state agency designated by the LBB to collect the following real property data information of a public institution of higher education from the Texas Higher Education Coordinating Board (THECB), as the data is reported to the THECB, including, for each building or facility owned, leased, or otherwise occupied by the institution:

- the name of the institution that has charge and control of the building or facility, including the number assigned to the institution by the Federal Interagency Committee on Education;
- whether the building or facility is owned or leased, solely or in part, by the institution, or if not owned or leased, the arrangement under which the building or facility is otherwise occupied;
- the name or number of the building or facility;
- the address and geographic coordinates of the building or facility;
- the number of stories and the total square footage of the building or facility;
- the amount of available square footage in the building or facility for working personnel, the storage of resources, or any other useable purpose identified by the institution;
- that amount of square footage expressed as a percent of the total square footage;
- if the building or facility changed occupants on or after December 31, 2019:
 - with respect to a new occupant the location formerly occupied, the amount of square footage used at the formerly occupied location, and the amount of square footage used at the building or facility; and
 - with respect to a former occupant the location to which the former occupant moved, the amount of square footage formerly used at the building or facility, and the amount of square footage used at the newly occupied location;
- a description of the continuity of government operation plans to conduct business in alternate sites in the event of a disaster or other emergency; and

- the average monthly utility expenses for the building or facility during the previous 12 months.

S.B. 1119 requires the LBB to collect the required information from each state agency and public institution of higher education that has charge and control of a building or facility and require each agency and institution to submit the information to the LBB by a date prescribed by the LBB. The bill requires the LBB to coordinate with the comptroller of public accounts, the state auditor's office, the State Office of Risk Management (SORM), the General Land Office, the Texas Facilities Commission (TFC), the THECB, and any other state agency to collect the required information.

S.B. 1119 requires TFC, on request by the LBB, to provide clarifying information for the information the LBB or a state agency designated by the LBB must collect or obtain as part of the interim study, including information on buildings that house multiple state agencies and other related matters. The bill requires TFC to provide the information to the LBB by the date prescribed by the LBB. The bill requires a state agency, on request by TFC or SORM, to provide the agency's telework policies to the entity requesting the information and requires TFC and SORM to coordinate to reduce duplication of efforts.

S.B. 1119 requires the LBB or a state agency designated by the LBB, not later than June 1, 2024, to consolidate the information collected for purposes of the interim study and enter the information into a single database accessible by a member of the legislature or the member's designee or the executive head of a state agency or public institution of higher education or the executive head's designee. The bill requires the LBB to conduct the interim study and report its findings and recommendations to the legislature not later than September 1, 2024. The report must include a statewide strategy that will ensure all property owned, leased, or otherwise occupied by the state is adequately utilized.

S.B. 1119 requires the LBB, SORM, and TFC to produce maps identifying the locations of the buildings and facilities owned, leased, or otherwise occupied by state agencies and public institutions of higher education across Texas. The information collected and produced for purposes of the interim study is excepted from disclosure under applicable provisions of state public information law and under Labor Code provisions regarding the confidentiality of certain information in SORM's possession and agency continuity of operations plans.

S.B. 1119 authorizes the LBB to consolidate the interim study and report with any report required of the LBB by law regarding the allocation and use of space by state agencies. The bill requires each state agency, based on the report, to identify opportunities for the consolidation of personnel and resources into state-owned space or, if state-owned space is not available, into space leased by the state. The bill's provisions relating to the interim study expire September 1, 2025.

S.B. 1119 requires each state agency, based on information collected and published by the LBB under the bill's provisions or any findings or recommendations by an entity conducting a study under the bill's provisions, to identify opportunities for the consolidation of personnel and resources into state-owned space, or, if state-owned space is not available, into space leased by the state.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.