

BILL ANALYSIS

Senate Research Center
88R22125 LRM-D

C.S.S.B. 1119
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The pandemic influenced all state agencies to adopt temporary or permanent teleworking and remote work policies. Due to this increase in working outside of the traditional office setting, many state agency buildings may no longer be fully occupied. However, the legislature does not have information about the occupancy of state agency buildings, nor do the Texas Facilities Commission (TFC) or State Office of Risk Management (SORM).

S.B. 1119 will conduct a study of all state agency and higher education institution buildings and state-owned and state-leased properties. The study will determine what the current capacity and use of each space and building is and what an agency's space usage was prior to the pandemic, if the agency occupied a different space or building. The goal is for agencies, higher education institutions, and the legislature to use this information to determine if any intra-agency or interagency spaces or buildings could be consolidated and reduce the costs to the state of any unused space, particularly to reduce the costs of leased spaces and buildings on the state. Additional goals of this study are to know how much the state is spending on leased space, ensure accurate and current information about all real property of the state that is leased or state-owned, update information on insurable assets, and ensure active and current continuity of government and operations plans. Agencies would be required to provide TFC and SORM their telework policies, upon request.

The bill directs the Legislative Budget Board, TFC, and SORM to produce a database and maps identifying all locations of the state's buildings and facilities owned, leased, or otherwise occupied. These materials would be excepted from the Texas Public Information Act to ensure they could not be used by bad actors. The study will be repeated every six years.

C.S.S.B. 1119 amends current law relating to studies of buildings and facilities owned, leased, or otherwise occupied by this state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2165, Government Code, by adding Subchapter C-1, as follows:

SUBCHAPTER C-1. STUDY OF SPACE BY LEGISLATIVE BUDGET BOARD

Sec. 2165.121. DEFINITION. Defines "state agency."

Sec. 2165.122. STUDY. Requires the Legislative Budget Board (LBB), not later than September 1, 2024, and the September 1 occurring every six years after that date, to study and report to the legislature:

- (1) how much money the state is spending on leased space for state agencies;

- (2) the possibilities of moving personnel out of leased space into existing state-owned space;
- (3) any efficiencies or cost savings that may be achieved by consolidating personnel and resources into existing state-owned space;
- (4) 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;
- (5) the impact of any consolidation described by Subdivisions (3) and (4) on the state's insurable assets; and
- (6) the potential benefits of maintaining a comprehensive, regularly updated database of all buildings and facilities owned, leased, or otherwise occupied by the state.

Sec. 2165.123. IDENTIFICATION OF CONSOLIDATION OPPORTUNITIES. Requires each state agency, based on a report required by Section 2165.122, to identify opportunities for the consolidation of personnel and resources into space owned by this state, or if state-owned space is not available, into space leased by this state.

SECTION 2. (a) Defines "institution of higher education."

(b) Requires the LBB to conduct an interim study on the buildings and facilities owned, leased, or otherwise occupied by this state and develop a statewide strategy to ensure that the buildings and facilities are adequately utilized. Authorizes the LBB to delegate any authority granted to the LBB under this section that the LBB determines necessary to conduct the interim study under this section.

(c) Requires the LBB to collect the information required by this section from each state agency and 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. Requires the LBB to coordinate with the following entities to collect the information:

- (1) the Comptroller of Public Accounts of the State of Texas;
- (2) the state auditor's office;
- (3) the State Office of Risk Management (SORM);
- (4) the General Land Office;
- (5) the Texas Facilities Commission (TFC);
- (6) the Texas Higher Education Coordinating Board (THECB); and
- (7) any other state agency.

(d) 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 an institution of higher education, to obtain the following information:

- (1) the name of the state agency that has charge and control of the building or facility;
- (2) whether the building or facility is owned or leased, solely or in part, by the state agency, or if not owned or leased, the arrangement under which the building or facility is otherwise occupied;

- (3) the name or number of the building or facility;
- (4) the address and geographic coordinates of the building or facility;
- (5) the number of stories and the total square footage of the building or facility;
- (6) 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;
- (7) the amount of square footage used in the building or facility for a purpose described by Subdivision (6) of this subsection, expressed as a percent of the total square footage;
- (8) if the building or facility changed occupants on or after December 31, 2019:

(A) with respect to a new occupant:

- (i) the location formerly occupied;
- (ii) the amount of square footage used at the formerly occupied location; and
- (iii) the amount of square footage used at the building or facility; and

(B) with respect to a former occupant:

- (i) the location to which the former occupant moved;
- (ii) the amount of square footage formerly used at the building or facility; and
- (iii) the amount of square footage used at the newly occupied location; and

(9) a description of the continuity of government operation plans to conduct business in alternate sites outside of the Capitol Complex in the event of a disaster or other emergency.

(10) the average monthly utility expenses for the building or facility during the previous 12 months.

(e) Requires the LBB or a state agency designated by LBB to collect the real property data of an institution of higher education from THECB, as the data is reported to THECB, including, for each building or facility owned, leased, or otherwise occupied by the institution:

(1) 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;

(2) 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;

(3) the name or number of the building or facility;

(4) the address and geographic coordinates of the building or facility;

(5) the number of stories and the total square footage of the building or facility;

(6) 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;

(7) the amount of square footage used in the building or facility for a purpose described by Subdivision (6) of this subsection, expressed as a percent of the total square footage;

(8) if the building or facility changed occupants on or after December 31, 2019:

(A) with respect to a new occupant:

(i) the location formerly occupied;

(ii) the amount of square footage used at the formerly occupied location; and

(iii) the amount of square footage used at the building or facility; and

(B) with respect to a former occupant:

(i) the location to which the former occupant moved;

(ii) the amount of square footage formerly used at the building or facility; and

(iii) the amount of square footage used at the newly occupied location;

(9) if the building or facility is located in the Capitol Complex, a description of the continuity of government operation plans to conduct business in alternate sites outside of the Capitol Complex in the event of a disaster or other emergency; and

(10) the average monthly utility expenses for the building or facility during the previous 12 months.

(f) Requires TFC, on request by the LBB, to provide clarifying information under Subsections (d) and (e) of this section, including information on buildings that house multiple state agencies and other related matters. Requires TFC to provide the information to the LBB by the date prescribed by the LBB.

(g) Requires a state agency, on request by TFC or SORM, to provide the agency's telework policies to the entity requesting the information. Requires TFC and SORM to coordinate to reduce duplication of efforts.

(h) Requires the LBB or a state agency designated by the LBB, not later than June 1, 2024, to consolidate the information collected under Subsections (d), (e), and (f) of this section 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 institution of higher education or the executive's head designee.

(i) Requires the LBB to conduct the study required by Subsection (b) of this section and report the LBB's findings and recommendations to the legislature not later than September 1, 2024. Requires that the report include a statewide strategy that will ensure all property owned, leased, or otherwise occupied by the state is adequately utilized.

(j) 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 institutions of higher education across this state.

(k) Provides that the information collected and produced under this section is excepted from disclosure under Sections 552.021 (Availability of Public Information) and 552.156 (Exception: Confidentiality of Continuity of Operations Plan), Government Code, and Sections 412.0128 (Confidentiality of Information) and 412.054 (Continuity of Operations Plan), Labor Code.

(l) Authorizes the LBB to consolidate the study and report required by this section with any report required of the LBB by law regarding the allocation and use of space by state agencies.

(m) Requires each state agency, based on the report required by this section, to identify opportunities for the consolidation of personnel and resources into space owned by this state, or if state-owned space is not available, into space leased by this state.

(n) Provides that this section expires September 1, 2025.

SECTION 3. Requires each state agency, based on information collected and published by the LBB as described by this Act or any findings or recommendations by an entity conducting a study under this Act, to identify opportunities for the consolidation of personnel and resources into space owned by this state, or if state-owned space is not available, into space leased by this state.

SECTION 4. Effective date: upon passage or September 1, 2023.