By:  Kolkhorst S.B. No. 1119

(In the Senate - Filed February 22, 2023; March 9, 2023, read first time and referred to Committee on Business & Commerce; April 12, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; April 12, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 1119 By:  King

A BILL TO BE ENTITLED

AN ACT

relating to studies of buildings and facilities owned, leased, or otherwise occupied by this state.

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

SECTION 1.  Chapter 2165, Government Code, is amended by adding Subchapter C-1 to read as follows:

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

Sec. 2165.121.  DEFINITION. In this subchapter, "state agency" includes a legislative agency.

Sec. 2165.122.  STUDY. Not later than September 1, 2024, and the September 1 occurring every six years after that date, the Legislative Budget Board shall 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. Based on a report required by Section 2165.122, each state agency shall 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) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b)  The Legislative Budget Board shall 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. The Legislative Budget Board may delegate any authority granted to the board under this section that the board determines necessary to conduct the interim study under this section.

(c)  The Legislative Budget Board shall 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 board by a date prescribed by the board. The board shall coordinate with the following entities to collect the information:

(1)  the comptroller of public accounts;

(2)  the state auditor's office;

(3)  the State Office of Risk Management;

(4)  the General Land Office;

(5)  the Texas Facilities Commission;

(6)  the Texas Higher Education Coordinating Board; and

(7)  any other state agency.

(d)  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, the Legislative Budget Board or a state agency designated by the board shall 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;

(9)  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

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

(e)  The Legislative Budget Board or a state agency designated by the board shall collect the real property data of an institution of higher education from the Texas Higher Education Coordinating Board, as the data is reported to that board, 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)  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

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

(f)  On request by the Legislative Budget Board, the Texas Facilities Commission shall provide clarifying information under Subsections (d) and (e) of this section, including information on buildings that house multiple state agencies and other related matters. The Texas Facilities Commission shall provide the information to the Legislative Budget Board by the date prescribed by the board.

(g)  On request by the Texas Facilities Commission or the State Office of Risk Management, a state agency shall provide the agency's telework policies to the entity requesting the information. The Texas Facilities Commission and the State Office of Risk Management shall coordinate to reduce duplication of efforts.

(h)  Not later than June 1, 2024, the Legislative Budget Board or a state agency designated by the board shall 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 head's designee.

(i)  The Legislative Budget Board shall conduct the study required by Subsection (b) of this section and report the board's 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.

(j)  The Legislative Budget Board, State Office of Risk Management, and Texas Facilities Commission shall 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)  The information collected and produced under this section is excepted from disclosure under Sections 552.021 and 552.156, Government Code, and Sections 412.0128 and 412.054, Labor Code.

(l)  The Legislative Budget Board may consolidate the study and report required by this section with any report required of the board by law regarding the allocation and use of space by state agencies.

(m)  Based on the report required by this section, each state agency shall 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)  This section expires September 1, 2025.

SECTION 3.  Based on information collected and published by the Legislative Budget Board as described by this Act or any findings or recommendations by an entity conducting a study under this Act, each state agency shall 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.  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, 2023.

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