

## **BILL ANALYSIS**

Senate Research Center  
85R19967 YDB-F

C.S.S.B. 1729  
By: Birdwell  
Business & Commerce  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of S.B. 1729 is to establish a centralized, consolidated database for certain state-owned real property assets and to establish reporting requirements for information residing in the database. The need and purpose for the database and reporting requirements included in this legislation relate to a review conducted by the Senate Committee on State Real Property Data Collection, Reporting, and Assessing during the interim, including joint hearings held with the House Committee on State Real Property Data Collection, Reporting, and Assessing.

S.B. 1729 requires the Texas Facilities Commission (TFC) to establish and maintain a centralized, consolidated database for certain state-owned real property assets. Real property assets on the inventory of institutions of higher education would be excluded from the requirements of the bill. S.B. 1729 requires each state agency to submit into the database information on their respective inventory of real property in a manner prescribed by TFC to ensure timeliness, accuracy, and completeness of the information for the intended purposes of the database. The deadline for initial data submission by the agencies would be based on the projected operational date of the database and agencies would be required to update the information biennially by September 30 of each even-numbered year. Agencies would also be required to submit information into the database reflecting the acquisition or disposition, or a significant change in the condition or status, of an asset on the agency's inventory of state-owned real property. Each agency is required to submit the information into the consolidated database within ninety (90) days.

S.B. 1729 requires agencies to notify TFC before any planned sale or disposition of state-owned real property on their inventory and TFC would be required to submit a recommendation to the agency and the governor stating whether the property is suitable to meet an identified space need of another state agency. Unless authorized by the governor, the agency would be prohibited from proceeding with the sale or disposition of real property determined to be suitable to meet an identified space need of another space agency. The notification and review process would not apply to the disposition of highway rights-of-way or to any legislative action directing the disposition of state-owned real property.

S.B. 1729 serves to ensure that our limited state resources are being committed to maintain and timely report accurate and complete data on state-owned real property. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1729 amends current law relating to the reporting and disposition of certain state-owned real property.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Facilities Commission in SECTION 1 (Section 2166.109, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 2166, Government Code, by adding Sections 2166.109, 2166.110, and 2166.111, as follows:

Sec. 2166.109. CONSOLIDATED DATABASE OF STATE-OWNED REAL PROPERTY ASSETS. (a) Provides that this section, notwithstanding Section 2166.003 (Exceptions), applies to all state agencies, including a state agency otherwise exempt from this chapter under that section, other than a state institution of higher education (IHE).

(b) Requires the Texas Facilities Commission (TFC) to establish and maintain a centralized, consolidated database for state-owned real property assets. Requires TFC to design the database to provide a broad overview of state agency real property assets and require state agencies to provide more generalized, less detailed information on real property assets than is required under Subchapter E (Real Property Accounting and Management), Chapter 31 (General Land Office), Natural Resources Code.

(c) Requires TFC, by rule, to prescribe the information required for the database and the form for a state agency to provide the information, the responsibilities and access rights of TFC and other state agencies related to the database, and a schedule for establishing the database and for state agencies to submit information to TFC for inclusion in the database.

(d) Requires each state agency to submit to TFC in accordance with TFC rules certain information relating to the agency's inventory not later than certain dates.

Sec. 2166.110. BIENNIAL REPORT. Requires TFC, not later than December 1 of each even-numbered year, to submit a report to the governor and legislature on the status of all state-owned real property assets included in the database maintained under Section 2166.109.

Sec. 2166.111. DISPOSITION OF STATE-OWNED REAL PROPERTY. (a) Requires a state agency in the executive branch of state government to notify TFC at least 60 days before the date of any planned sale, lease, exchange, or other disposition of a state-owned real property asset included in the agency's inventory under Section 2166.109.

(b) Requires TFC, not later than a certain day, to submit to the state agency and governor a recommendation on whether the property is suitable to meet an identified space need of another state agency.

(c) Prohibits a state agency from selling, leasing, exchanging, or otherwise disposing of property TFC recommends as suitable to meet an identified space need of another state agency unless the governor, in writing, authorizes the agency to proceed with the sale, lease, exchange, or other disposition.

(d) Provides that this section does not apply to the disposition of a state highway right-of-way or to any legislative action directing the disposition of state-owned real property.

SECTION 2. (a) Provides that TFC is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TFC, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for that purpose.

(b) Provides that a state agency is not required to comply with Section 2166.109 or 2166.111, Government Code, as added by this Act, until TFC has established the database and adopted the rules required by Section 2166.109, Government Code.

SECTION 3. Effective date: September 1, 2017.