

BILL ANALYSIS

C.S.H.B. 4541
By: Cyrier
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Studies indicate that the deferred maintenance backlog on facilities owned and operated by the Texas Facilities Commission (TFC) has reached hundreds of millions of dollars. With limited taxpayer dollars available, the TFC operates under a policy whereby deferred maintenance projects focus only on the most critical deficiencies that pose a risk to tenant health and safety. C.S.H.B. 4541 seeks to ensure that the TFC is able to make more timely decisions with regard to the sale of certain underutilized property.

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

C.S.H.B. 4541 amends the Government Code to revise provisions relating to the authority of the Texas Facilities Commission (TFC) over certain real property by:

- prohibiting the TFC from selling or otherwise disposing of state real property not located in the Capitol Complex except by specific authority granted by the legislature, if in session, or through formal notification to the governor and the Legislative Budget Board if the legislature is not in session;
- setting out certain notice requirements for the TFC when considering a sale of state real property not in the Capitol Complex and for the governor in disapproving such a sale;
- requiring the General Land Office to negotiate and close a sale of state real property on request by and on behalf of the TFC using specified Natural Resources Code procedures, with a certain exception;
- requiring each transfer of an interest in state real property to be made by an instrument signed by the executive director of the TFC and by the governor;
- providing for the deposit to the Texas capital trust fund and dedicated use of the proceeds from the lease, sale, or other disposition of state real property by the TFC;
- authorizing the TFC to recover from those proceeds all amounts spent by the TFC for management, acquisition, and disposition of expenses before the proceeds are deposited to the trust fund; and
- exempting the funds deposited in the trust fund from Government Code provisions governing the use of dedicated revenue and from the requirement for the unencumbered balance of the Texas capital trust fund to be transferred to the credit of the general revenue fund at the end of each fiscal biennium.

EFFECTIVE DATE

86R 29602
Substitute Document Number: 86R 26630

19.114.692

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4541 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision authorizing the TFC to lease real property, including improvements.

The substitute clarifies that the requirement to submit a formal notification of intent to sell state real property applies with regard to property not in the Capitol Complex.

The substitute revises the expenses the TFC is authorized to recover from the proceeds from the sale, lease, or other disposition of state real property before depositing those proceeds in the Texas capital trust fund.

The substitute includes a provision exempting proceeds deposited in that fund under the bill's provisions from the application of certain Government Code provisions.