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TEXAS FACILITIES COMMISSION

REVIEW OF REPORTING REQUIREMENTS

2012

This report is submitted by the Texas Facilities Commission (“Commission”) in accordance with Government Code Section 2052.401 and filed with the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chair of the House Committee on Government Efficiency and Reform, the Chair of the Senate Committee on Government Organization, the Chair of the House State Affairs Committee, the Chair of the Senate State Affairs Committee, the Legislative Budget Board, and the Texas State Library and Archives Commission. For additional information, please contact the Commission’s Legal Services Division at (512) 463-3446.

Texas Facilities Commission

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◆ ★ *Planning and administering facilities in service to the State of Texas* ★ ◆

Texas Facilities Commission Review of Reporting Requirements

House Bill 1781, enacted by the 82nd Legislature and effective June 17, 2011, added a new section to Chapter 2052 of the Government Code: Section 2052.402. The new section requires that the executive director of a state agency shall examine the agency's reporting requirements and determine whether each reporting requirement

- is not necessary to accomplish the objectives of the statute containing the requirement;
- is redundant of other statutory reporting requirement; or
- is required under statute to be provided at a frequency for which data is not available.

The executive director's determinations must be compiled into a report and provided electronically to the Governor; the Lieutenant Governor; the Speaker of the House of Representatives; the Chair of the House Committee on Government Efficiency and Reform; the Chair of the Senate Committee on Government Organization; the chair of each standing committee of the Senate and House of Representatives with jurisdiction over the agency; the Texas State Library and Archives Commission; and the Legislative Budget Board.

The report is due no later than August 1, 2012. The requirement to review an agency's statutory reporting expires on September 1, 2014.

The following information constitutes the Texas Facilities Commission's (the "Commission") Review of Reporting Requirements. The report is also available on the Commission's website at <http://www.tfc.state.tx.us/divisions/commissionadmin/tools/>.

The Commission maintains a database of statutory reporting requirements on its web-based applications portal (the "Portal"). The Portal is accessible by all Commission staff and by the commissioners. The Portal provides a central place for staff and commissioners to find agency resources such as policies, forms, training calendars, and the reports database. The database provides a central place for the program areas responsible for reporting to keep track of the reports required to be filed, submission deadlines, and the list of report recipients. The database also provides a notification system that sends reminder e-mails as reporting deadlines approach. The Commission has found the database to be an invaluable resource in managing the statutory reporting requirements inherent in a state agency's duties. The following report has been compiled from information in the Commission's reports database.

For consistency and ease of reference, where possible, the titles of reports are the same as the report titles utilized by the State Library and Archives Commission in its publication on Required Reports provided to the Governor and the Legislative Budget Board and made available to the public pursuant to the General Appropriations Act. Similarly, report numbers reflect the numbering system utilized by the State Library and Archives Commission. Reporting requirements that are not listed in the State Library and Archives Commission's publication do not have a report number.

This report is divided into two parts:

- (i) Part I includes the Commission’s specific reporting requirements; and
- (ii) Part II includes reports compiled by other agencies and filed with the Commission.¹

Throughout the report, the following acronyms and abbreviated names are used for the following state agencies:

- (i) “Comptroller” as a reference to the Comptroller of Public Accounts;
- (ii) “DIR” as a reference to the Department of Information Resources;
- (iii) “LBB” as a reference to the Legislative Budget Board;
- (iv) “SORM” as a reference to the State Office of Risk Management; and
- (v) “Speaker” as a reference to the Speaker of the Texas House of Representatives.

¹ Government Code Section 2052.401 specifically excludes any reporting requirement enacted or amended after 2009 from the reports to be reviewed by a state agency. In addition, instructions for the compilation of this report, provided by the Texas State Library and Archives Commission, specifically direct state agencies not to assess reports that are required to be filed by all state agencies or reports required to be filed by federal law. The Commission, however, is currently going through the sunset review process. Government Code Section 325.0075 requires that an agency subject to review by the Sunset Advisory Commission submit a report that (i) lists each report that the agency is required by statute to prepare; and (ii) evaluates the need for each report based on whether factors or conditions have changed since the date the statutory requirement to prepare the report was enacted. The Commission’s report was completed on August 30, 2011, and is available on the Commission’s website at <http://www.tfc.state.tx.us/divisions/commissionadmin/tools/>. The Commission’s 2011 Review of Reporting Requirements contains an assessment of all the Commission’s reporting requirements, including reports filed by all state agencies.

**PART I. REPORTS REQUIRED
TO BE FILED BY THE
TEXAS FACILITIES COMMISSION**

Title: Administrative Office Space in Travis County, Report on
Report No: 1278
Required by: Government Code, Section 2165.1061(h)
Due Date: Not later than July 1 of each even-numbered year
Recipient: Governor, Comptroller, and LBB

The Commission shall study and report on the amount of each state agency’s administrative office space in Travis County to identify locations that exceed the space limitations prescribed by Government Code, Section 2165.104(c).

Assessment: This report is not necessary to accomplish the objectives of the statute that contains the reporting requirement and is redundant of other statutory reporting requirements.

Justification: In 2005, the 79th Legislature amended Government Code, Section 2165.104(c) deleting the language prescribing 135 square feet per agency employee for each agency site. Acts 2005, 79th Leg., R.S., ch. 155, § 1. This reporting requirement should be amended to reflect the removal of the prescribed space limitation. The Commission files this report as part of Report No. 66, Space Needs–State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, because the reporting requirements of these reports are similar. These reporting requirements should be merged under one main report.

Title: Administrative Office Space, Reports of Efforts to Colocate
Report No: 1277
Required by: Government Code, Section 2165.1061(f)
Due Date: Not later than July 1 of each even-numbered year
Recipient: Governor, Comptroller, and LBB

The Commission, in cooperation with affected state agencies, shall develop transition plans to implement the colocation of administrative office space. Each plan must include a detailed statement of the costs and benefits of the proposed colocation. The Commission shall use the transition plans to colocate certain administrative office space of state agencies. The Commission shall conduct a study and report on its efforts.

Assessment: This report is redundant of other statutory reporting requirements.

Justification: The Commission files this report as part of Report No. 66, Space Needs–State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, because the reporting requirements of these reports are similar. These reporting requirements should be merged under one main report.

Title: Air Monitoring Related to Asbestos Abatement, Report on
Report No: 1281
Required by: Government Code, Section 2165.303
Due Date: As Needed
Recipient: Department of State Health Services and SORM

The Commission shall contract with a private entity to conduct any air monitoring that is related to asbestos abatement services provided by the Commission. The Commission shall report the findings and test results obtained.

Assessment: Reporting requirement should be retained as is.

Title: Child Care Program Report
Report No: 63
Required by: Government Code, Section 663.052
Due Date: Each legislative session
Recipient: Legislature

The Commission shall report on the development and progress of the child care program and describe additional child care services needed by state employees.

Assessment: Reporting requirement should be retained as is.

Title: Contract Notification—Over \$14,000
Report No:
Required by: Government Code, Section 2166.2551
Due Date: Not later than the 10th day after the date the agency enters into the contract
Recipient: LBB

The Commission or an agency whose project is exempted from all or part of Government Code Chapter 2166 under Section 2166.003 shall provide written notice of a contract for a construction project if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$14,000.

Assessment: This report is not necessary to accomplish the objectives of the statute that contains the reporting requirement.

Justification: This requirement was enacted in 1999 and has not been amended since that time. The amount of the contract, \$14,000, no longer represents the scale of work or projects that it did in 1999. The amount should be adjusted to reflect current pricing.

Title: Equal Employment Opportunity Policy
Report No: 1264
Required by: Government Code, Section 2152.109, modified by Government Code, Section 2052.003(d)
Due Date: Annually
Recipient: Texas Workforce Commission

The executive director or designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. A policy must cover an annual period, be updated annually, and pursuant to Section 2052.003(d), be submitted for review and filing with the Civil Rights Division of the Texas Workforce Commission, not the Governor as required by Section 2152.109.

Assessment: This report is not necessary to accomplish the objectives of the statute that contains the reporting requirement and is redundant of other statutory reporting requirements.

Justification: Government Code Section 2152.109 requires that the Texas Facilities Commission prepares and maintains a written policy statement concerning its equal employment opportunity program; submits the policy for review by the Commission on Human Rights; and files the policy with the Governor's Office.

Government Code Section 2052.003, subsection (a) requires that a state agency that files an annual report on equal employment opportunities with the Civil Rights Division of the Texas Workforce Commission include certain statistical information in the report, and, pursuant to subsection (d), that equal employment opportunity reports and policy statements are to be filed with the Civil Rights Division of the Texas Workforce Commission, not with the Governor.

Labor Code Section 21.452 requires that each state agency develop and implement personnel policies and procedures that comply with Labor Code Chapter 21, including personnel selection procedures that incorporate a workforce diversity program.

Labor Code Section 21.552(a) requires that each state agency report equal employment opportunity information for the preceding calendar year. The report must be made in the form prescribed by the Texas Workforce Commission and include information compiled on a monthly basis. In practice, however, there is no report provided directly to the Workforce Commission by each individual state agency. This report is part of the standardized reporting of human resource information provided by the Comptroller. The information is gathered from each state agency through one of the Comptroller's reporting systems: HRIS, SPRS, or USPS. The information is provided in conjunction with the Minority Hiring Practices Report, known as the Annual Report by the Comptroller.

Both Government Code Section 2152.109 and Government Code Section 2052.003 should be repealed; Labor Code Section 21.452 should be amended to provide that the Texas Workforce Commission develop and promulgate an equal employment opportunity policy that all state agencies must adopt; and Labor Code Section 21.552 should be amended to require that equal employment opportunity information be compiled and reported to the Texas Workforce Commission by the Comptroller from the data submitted through the standardized reporting of human resource information that is submitted by all state agencies.

Title: Leasing Requirements, Report on Noncompliance with
Report No: 1282
Required by: Government Code, Section 2167.105
Due Date: As Needed
Recipient: Governor, Lieutenant Governor, Speaker, and the Governing Board or Administrator of the Noncompliant State Agency

If the Commission determines that a state agency has not complied with the Commission’s rules or with other state law related to leasing requirements, the Commission shall report the noncompliance and fiscal impact.

Assessment: Reporting requirement should be retained as is.

Title: Parking Lots and Garages, Report on Lease of Space in State-Owned
Report No: 1279
Required by: Government Code, Section 2165.2035
Due Date: On or before December 1 of each even-numbered year
Recipient: Legislature and LBB

The Commission shall develop private, commercial uses for state-owned parking lots and garages located in the City of Austin at locations the Commission determines are appropriate for commercial uses outside of regular business hours. The Commission may contract with a private vendor to manage the commercial use of state-owned parking lots and garages. The Commission shall submit a report describing the effectiveness of the program.

Assessment: This report is redundant of other statutory reporting requirements.

Justification: Government Code, Section 2165.2046 added in 2011 by the 82nd Legislature, Acts 2011, 82nd Leg., ch. 910, § 2, requires that the Texas Facilities Commission report on the effectiveness of parking programs developed by the Commission under Government Code Chapter 2165, Subchapter E. Subsection (e) of Government Code Section 2165.2035 should be repealed as the information is reported in more detail pursuant to Government Code Section 2165.2046.

Title: Requested Projects, Biennial Report on
Report No: 529
Required by: Government Code, Section 2166.104
Due Date: On or before a date specified by the state’s budget agencies in each year immediately preceding a regular Legislative Session
Recipient: Governor and LBB

The Commission shall submit a report listing all projects requested by state agencies.

Assessment: This report is redundant of other statutory reporting requirements, and is required under statute to be provided at a frequency for which data is not available;

Justification: Report No. 66, Space Needs–State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, also requires the Commission to report on the projects that have been requested by state agencies. These reporting

requirements should be merged under one main biennial report filed by the Commission.

Subchapter D of Government Code Chapter 2166 requires that the Texas Facilities Commission prepare a project analysis for projects requested by using agencies, as defined in Government Code Section 2166.001(10). A using agency is required to use the project analysis as the basis of a request to the state’s budget office in its Legislative Appropriations Request (“LAR”). Most using agencies are required to file the LAR by the end of August. This reporting requirement should be amended to provide a statutorily set deadline for the biennial report that falls after the deadline for the filing of LARs by state agencies in each year immediately preceding a regular Legislative Session.

Title: Salvage or Surplus Property Sale, Report of
Report No:
Required by: Government Code, Section 2175.190(a)
Due Date: As Needed
Recipient: Comptroller and the State Agency that Owned the Sold Property

On the sale by the Commission of surplus or salvage property, the Commission shall report the property sold and the sale price.

Assessment: Reporting requirement should be retained as is.

Title: Small Contractor Participation Assistance Program Report
Report No:
Required by: Government Code, Section 2166.259(b-2)
Due Date: Annually
Recipient: Governor, Lieutenant Governor, and Speaker

The Commission’s small contractor participation assistance coordinator shall submit an annual report describing the activities and progress of the program.

Assessment: Reporting requirement should be retained as is.

Title: Space Needs—State Agency Long-Range Plan
Report No: 66
Required by: Government Code, Section 2166.102(b), (c)
Due Date: Before July 1 of each even-numbered year
Recipient: Governor, Comptroller, and LBB

The Commission shall maintain a six-year capital planning cycle and shall file a master facilities plan. The plan must contain:

- (i) projections of the amount of administrative office space and client service space needed by state agencies;
- (ii) an examination of the use, age, condition, and economic life of state-owned buildings on the commission’s inventory;
- (iii) an analysis of projects that have been requested by state agencies;

- (iv) an examination of the extent to which the state satisfies its need for space by leasing building space;
- (v) an examination of state-paid operation and maintenance costs, including costs for telecommunications services, for existing buildings owned or leased by the state;
- (vi) a discussion of the economic and market conditions affecting the costs of the construction or lease of buildings;
- (vii) an analysis of whether the state will benefit more from satisfying its needs for space by:
 - (a) engaging in new projects;
 - (b) leasing built space; or
 - (c) satisfying its needs in another manner;
- (viii) an examination of the amount of exempt and nonexempt office space under Section 2165.104(c); and
- (ix) other information relevant to the long-range plan that is:
 - (a) considered appropriate by the commission; or
 - (b) requested in writing by the governor or the presiding officer of either house of the legislature.

Assessment: This report is not necessary to accomplish the objectives of the statute that contains the reporting requirement and is redundant of other statutory reporting requirements.

Justification: In 2005, the 79th Legislature amended Government Code, Section 2165.104(c) deleting the language prescribing 135 square feet per agency employee for each agency site. Acts 2005, 79th Leg., R.S., ch. 155, § 1. This reporting requirement should be amended to reflect the removal of the prescribed space limitation. Additionally, telecommunication duties were transferred to DIR in 2001. The Commission does not maintain records on telecommunication costs. The Commission publishes this report as the Facilities Master Plan Report. In addition, the Commission combines the following reporting requirements into the Facilities Master Plan Report, because the reporting requirements of these reports are similar:

- (i) Government Code, Section 2165.055—Report on Improvement and Repairs to State Buildings
Report No: 67
Recipient: Governor
Due Date: Biennially on December 1
- (ii) Government Code, Section 2165.1061(f)—Reports of Efforts to Colocate Administrative Office Space
Report No: 1277
Recipient: Governor, Comptroller, and LBB
Due Date: Not later than July 1 of each even-numbered year

- (iii) Government Code, Section 2165.1061(h)—Report on Administrative Office Space in Travis County
Report No: 1278
Recipient: Governor, Comptroller, and LBB
Due Date: Not later than July 1 of each even-numbered year
- (iv) Government Code, Section 2166.101—State Buildings - Status and Construction Costs
Report No: 68
Recipient: Governor, Legislature, and LBB
Due Date: Biennially
- (v) Government Code, Section 2166.102(b), (c)—Space Needs—State Agency Long-Range Plan
Report No: 66
Recipient: Governor, Comptroller, and LBB
Due Date: Before July 1 of each even-numbered year
- (vi) Government Code, Section 2166.103—Report on Space Needs
Report No: 65
Recipient: Governor, Lieutenant Governor, Speaker, and LBB
Due Date: Biennially before the start of the legislative session
- (vii) Government Code, Section 2166.104—Requested Projects, Biennial Report on Requested Projects
Report No: 529
Recipient: Governor and LBB
Due Date: On or before a date specified by the state’s budget agencies in each year immediately preceding a regular legislative session

These reporting requirements should be merged under one main report.

Title: Space Needs, Report on
Report No: 65
Required by: Government Code, Section 2166.103
Due Date: Biennially before the start of the legislative session
Recipient: Governor, Lieutenant Governor, Speaker, and LBB

The Commission shall continuously survey the state’s office space needs to determine the space needed and the location of the need. The Commission shall submit a report identifying counties in which more than 50,000 square feet of usable office space is needed and the Commission’s recommendations for meeting that need.

Assessment: This report is redundant of other statutory reporting requirements.

Justification: The Commission files this report as part of Report No. 66, Space Needs—State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, because the reporting requirements of these reports are similar. These reporting requirements should be merged under one main report.

Title: State Buildings—Status and Construction Costs
Report No: 68
Required by: Government Code, Section 2166.101
Due Date: Biennially
Recipient: Governor, Legislature, and LBB

The Commission shall obtain the following information for each state-owned building from the using agency: the year of completion, the general construction type, the size, the use, and the general condition. The Commission shall summarize its findings on the status of state-owned buildings and current information on construction costs in a report. Additional information required for buildings completed on or after Sept. 1, 1979. The reporting requirement does not include buildings owned by an institution of higher education.

Assessment: This report is redundant of other statutory reporting requirements.

Justification: The Commission files this report as part of Report No. 66, Space Needs—State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, because the reporting requirements of these reports are similar. These reporting requirements should be merged under one main report.

Title: State Buildings, Report on Improvement and Repairs to
Report No: 67
Required by: Government Code, Section 2165.055
Due Date: Biennially on December 1
Recipient: Governor

The Commission shall report all improvements and repairs that have been made, with an itemized account of receipts and expenditures, and the condition of all property under its control, with an estimate of needed improvements and repairs.

Assessment: This report is redundant of other statutory reporting requirements.

Justification: The Commission files this report as part of Report No. 66, Space Needs—State Agency Long-Range Plan, Government Code, Section 2166.102, published by the Commission as the Facilities Master Plan Report, because the reporting requirements of these reports are similar. These reporting requirements should be merged under one main report.

PART II. REPORTS FILED WITH THE TEXAS FACILITIES COMMISSION

Title: **Space Allocation Plan**
Report No: 1276
Required by: Government Code, Section 2165.1061(b)
Due Date: Not later than Sept. 30 of each odd-numbered year

A state agency shall conduct an on-site space analysis and develop a space allocation plan using rules developed by the Commission. The space allocation plan shall identify usable and exempt space and shall specify whether each facility occupied by the agency meets the requirements of Government Code, Section 2165.104(c).

Assessment: This report is not necessary to accomplish the objectives of the statute that contains the reporting requirement.

Justification: In 2005, the 79th Legislature amended Government Code, Section 2165.104(c) deleting the language prescribing 135 square feet per agency employee for each agency site. Acts 2005, 79th Leg., R.S., ch. 155, §1. The reference to Section 2165.104(c) in this reporting requirement should be deleted.