

2016 Regular Session

HOUSE BILL NO. 812

BY REPRESENTATIVES SCHRODER AND THIBAUT

PUBLIC BLDGS/GROUNDS-ST: Provides relative to maximizing the use of available office space in state buildings

1 AN ACT

2 To enact R.S. 39:127.2, relative to maximum utilization of office space in state owned or
3 leased buildings; to provide for the identification of underutilized office space; to
4 require utilization by certain agencies; to provide duties and responsibilities; to
5 require reporting of available office space and reporting of agencies in violation; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:127.2 is hereby enacted to read as follows:

9 §127.2. Utilization of office space in state owned buildings

10 A. The Legislature of Louisiana hereby finds and declares that the maximum
11 utilization of state owned or leased buildings is a necessary cost efficiency and,
12 accordingly, further declares that it is incumbent upon and the responsibility of all
13 state agencies to actively conserve, identify, and seek available office space in state
14 owned or leased buildings.

15 B.(1) Each agency shall submit to the division of administration by July first
16 of each year and update by January first of each year, the identity of any and all
17 office space in state owned or leased buildings by location and square footage and
18 the identity of any unoccupied or underutilized office space in state owned or leased
19 buildings by location and square footage.

1 (2) The division of administration shall compile the names of any agencies
2 that fail to submit the information required by Paragraph (1) of this Subsection and
3 submit the names of the agencies to the Joint Legislative Committee on the Budget
4 for consideration at its next meeting.

5 (3) The division of administration shall prepare an annual report, to be
6 submitted to the Joint Legislative Committee on the Budget on or before March first
7 of each year, regarding the amount of office space in state owned or leased buildings,
8 the amount of unoccupied or underutilized office space in state owned or leased
9 buildings, and the amount of leased office space in buildings that are not considered
10 state owned or leased. The annual report shall also include a compilation of the
11 notices to the agencies and the agencies' responses required by Paragraph (D)(2) of
12 this Section.

13 C. The division of administration, as part of its duty to allocate space in
14 accordance with R.S. 39:127, shall:

15 (1) Maintain a list, updated semi-annually, of all office space in state owned
16 or leased buildings by location and square footage.

17 (2) Identify all available office space that the division of administration
18 determines is suitable for the needs of an agency with leased space, and within thirty
19 days after the semi-annual update of the list required in this Section, send a notice
20 to the head of the agency of the available space.

21 D.(1) Within ninety days of the notification provided for in this Section, the
22 agency head shall respond to the notice with a transitional plan for moving into the
23 available space or a detailed indication of why the space is not suitable for use by the
24 agency.

25 (2) If the agency does not submit a transitional plan for moving into the
26 space identified or does not move in the time indicated in the plan, the notice to the
27 agency and the agency's response required by this Section shall be submitted to the
28 Joint Legislative Committee on the Budget for consideration at its next meeting. The
29 notices to the agencies and the agencies' responses shall be compiled and included

1 in the report by the division of administration to the Joint Legislative Committee on
2 the Budget required by Paragraph (B)(3) of this Section.

3 E. Neither the fact that an agency is headed by an elected or an appointed
4 officer nor the fact that an agency derives its operating funds from direct legislative
5 appropriations, dedication or other allocation or sources of revenues, fees or charges
6 or assessments, or from any other specified source of funds available to the state or
7 for use by the state shall be a factor in determining the agencies or buildings to which
8 this Section shall apply.

9 F. The division of administration shall comply with federal laws and
10 regulations and with state-federal agreements with respect to the housing of any
11 agency, or its personnel, operations, equipment, or activities, which receives or
12 administers any federal funds.

13 G. For purposes of this Section:

14 (1) "Agency" means a department, office, division, or agency of a state
15 governmental entity, except those provided in R.S. 39:127(C) and (D).

16 (2) "Agency head" or "head of agency" means the chief executive or
17 administrative officer of an agency who exercises supervision over the agency.

18 (3) "Lease" means any agreement, including but not limited to cooperative
19 endeavor agreements, professional services contracts, and consulting services
20 contracts which gives rise to relationships of landlord and tenant or lessor and lessee.

21 (4) "Office space" means space suitable to house an agency, its personnel,
22 operations, equipment, or activities but does not include the space governed by the
23 provisions of R.S. 49:150.1.

24 (5) "State owned or leased building" means a public building, or a portion
25 of a building, belonging to or under the control of the state of Louisiana and designed
26 to house personnel, equipment, storage, or services of the various agencies of the
27 state.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 812 Reengrossed

2016 Regular Session

Schroder

Abstract: Requires the division of administration to identify and seek full utilization of state owned and leased office space; requires notice to agencies; and requires reporting to JLCB.

Present law provides that the division of administration is responsible for the allocation of space in state office buildings (R.S. 39:127). Proposed law retains present law.

Proposed law requires the division of administration to: maintain a list of all office space in state owned or leased buildings by location and square footage; identify and make available to all state agencies a list of all available or underutilized office space.

Proposed law requires each agency to report any office space in state owned or leased buildings and any unoccupied or underutilized office space in state owned or leased buildings by location and square footage. Each agency shall report the information to the division of administration by July 1 each year and update the information January 1. The division of administration shall report to the Joint Legislative Committee on the Budget the names of any agencies that do not submit the required information for consideration at its next meeting.

Proposed law requires the division of administration to submit an annual report to the Joint Legislative Committee on the Budget by March 1 on the amount of office space and the amount of underutilized office space in state owned or leased buildings, and the amount of office space in buildings not owned or leased by the state.

Proposed law further requires the division of administration to notify the agency head of any agency using leased office space of alternative, state owned or leased space that the division of administration has determined is suitable for the needs of the agency. Proposed law requires the agency head to respond to the notice within 90 days. If the agency head does not submit a plan to move into the alternative space or does not move in the time indicated in the plan, notice must be submitted to the Joint Legislative Committee on the Budget for consideration at its next meeting. The division shall compile the notice and responses and include them in the annual report on office space required by proposed law.

Proposed law provides definitions of "agency", "agency head", "lease", "office space", and "state owned or leased buildings".

(Adds R.S. 39:127.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Delete the requirement that the office space be classified based on certain factors.
2. Expand present law to include buildings or parts of buildings leased by the state.
3. Change monthly reporting and updating requirements to semi-annual reporting and updating.

4. Require that each agency that occupies space greater than 10,000 sq. ft. submit a report to the division of administration of office space in state owned or leased buildings and the identity of any unoccupied or underutilized office space.
5. Change response time for transitional moving plans from 30 days to 90 days.
6. Require that notices to the Joint Legislative Committee on the Budget of agencies that do not submit transitional moving plans or that do not move according to the transitional moving plan be submitted for consideration at the committee's next meeting.

The House Floor Amendments to the engrossed bill:

1. Delete the requirement that only agencies occupying more than 10,000 square feet shall report office space information to the division of administration.
2. Add a requirement that the division of administration notify the Joint Legislative Committee on the Budget of agencies that do not submit information required by proposed law.
3. Specify information to be included in the annual report provided to the Joint Legislative Committee on the Budget.