

By: Cyrier

H.B. No. 4541

A BILL TO BE ENTITLED

AN ACT

relating to the authority over certain real property by the Texas  
Facilities Commission.

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

SECTION 1. Section 2166.052, Government Code, is amended by  
amending Subsection (b) and adding Subsection (d) to read as  
follows:

(a) The commission, as provided by law and by legislative  
appropriation, may:

(1) acquire necessary real and personal property and  
modernize, remodel, build, or equip buildings for state purposes;  
and

(2) contract as necessary to accomplish these  
purposes.

(b) The commission may not sell or otherwise dispose of real  
property of the state located in the Capitol Complex as defined by  
Section 411.061 (a) (1) Government Code, except by specific  
authority:

(1) granted by the legislature if the legislature is  
in session; or

(2) granted jointly by the governor and the  
Legislative Budget Board if the legislature is not in session.

(c) The commission may enter into a contract with the City  
of Austin to govern the transfer, sale, or exchange of real property

1 and interests in real property, including the vacation of street  
2 rights-of-way, easements, and other interests, as necessary or  
3 advantageous to both parties. The agreement may provide for the  
4 transfer, sale, or exchange by one party in favor of the other for a  
5 reasonable value established by the parties and may provide for a  
6 transfer, sale, or exchange to be credited against future property  
7 or interests to be transferred, sold, or exchanged between the  
8 parties. Section [272.001](#), Local Government Code, does not apply to  
9 a transaction governed by this section.

10 (d) the commission may lease real property, including  
11 improvements.

12 (e) The commission may not sell or otherwise dispose of real  
13 property of the state, not located in the Capitol Complex except by  
14 specific authority:

15 (1) granted by the legislature if the legislature is  
16 in session; or

17 (2) through formal notification of the governor and  
18 the Legislative Budget Board if the legislature is not in session.

19 (A) The commission, when contemplating a sale of  
20 real property, shall submit to the governor and legislative budget  
21 board, a formal notification of their intent. The governor may  
22 provide written notice of disapproval under this section not later  
23 than the 90th day after the governor receives the written  
24 notification.

25 (B) The commission shall send a copy of any  
26 formal notification, of the intent to sell real property to the  
27 state senator and state representative where the property is

1 located, on any formal notification to the governor of intent to  
2 sell real property.

3 (f) If requested by the commission, the General Land Office  
4 shall negotiate and close a sale of real property under this section  
5 on behalf of the commission using procedures under Section  
6 31.158(c), Natural Resources Code, except that the General Land  
7 Office is not required to offer the School Land Board the first  
8 option to purchase the real property.

9 (g) The grant of an interest in real property owned by the  
10 state under this section must be conveyed by an instrument signed by  
11 the executive director of the commission and the by the governor.

12 (h) revenue from the lease, sale, or other disposition of  
13 real property under this section shall be deposited into the Texas  
14 Capital Trust Fund and shall be dedicated to the acquisition,  
15 construction, repair, and improvement of facilities.

16 (i) reasonable expenses related to conducting a real estate  
17 transaction under this section, including the payment of brokerage  
18 fees, may be deducted from the proceeds of the transaction before  
19 the proceeds are deposited to the Texas Capital Trust Fund.

20 SECTION 2. This Act takes effect September 1, 2019.