

## **BILL ANALYSIS**

C.S.H.B. 3632  
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Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The commissioner of the General Land Office has the authority to acquire, sell, or exchange certain state land by various means, and the statutory authority regarding certain development plans governing state land.

C.S.H.B. 3632 provides the commissioner with greater authority to acquire, sell, and exchange real property acquired by gift, to provide for the application of the proceeds of the sale of certain lands acquired by gift, and to amend certain provisions relating to development plans governing state lands.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of the General Land Office in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 3632 amends the Natural Resources Code to authorize the commissioner of the General Land Office, if real property acquired by grant, gift, devise, or bequest is not held as part of the permanent school fund or possessed, administered, or used by a particular state agency, to manage that real property or sell or exchange the real property under terms and conditions the commissioner determines to be in the best interest of the state. The bill requires the real property to be sold in accordance with real estate transactions authorized by the legislature. The bill requires proceeds of the sale that are not required for the management of real property to be deposited in the Texas Farm and Ranch Lands Conservation Fund. The bill authorizes real property acquired under the bill's provisions to be dedicated by the commissioner to any Texas state agency, board, commission, political subdivision, or other state or federal governmental entity, for the benefit and use of the public in exchange for nonmonetary consideration, if the commissioner determines that the exchange is in the best interest of the state. The bill authorizes a person making a grant, gift, devise, or bequest of land to the state to provide that it is to be held by the state in some other manner than specified under the authority to accept grants, gifts, devises, trusts, and bequests. The bill authorizes the commissioner of the General Land Office to adopt rules necessary to implement these provisions. The bill makes conforming changes.

C.S.H.B. 3632 clarifies that the commissioner, and not the General Land Office, has the authority to accept transfer on behalf of the state of the title to a site following completion of remedial action in accordance with federal law. The bill authorizes the commissioner to sell any title or interest acquired by the state. The bill requires the proceeds of the sale to be deposited in the Texas Farm and Ranch Lands Conservation Fund.

C.S.H.B. 3632 establishes that revisions to the development plan that are requested after the later of the 10th anniversary of the date on which the development plan was promulgated by the special board of review or the date on which the state no longer holds a financial or property interest in the real property subject to the plan are governed by local development policies and procedures. The bill requires the composition of any future special board of review called to consider revision of that order, after issuance of an order establishing a development plan for real property that is not part of the permanent school fund or in which the permanent school fund does not have a financial interest, to consist of the presiding officer of the governing board of the

agency or institution possessing the real property or the presiding officer's designated representative; two members who are employed by the agency or institution possessing the real property, appointed by the presiding officer of the governing board of the agency or institution or the presiding officer's designated representative; the county judge of the county in which the real property is located; and the mayor of the municipality if the real property is located within the corporate boundaries or extraterritorial jurisdiction of a municipality. The bill clarifies that the presiding officer of the governing board of the agency or institution possessing the real property or the presiding officer's designated representative serves as the presiding officer of the special board of review.

C.S.H.B. 3632 includes in the Texas Farm and Ranch Lands Conservation Fund the proceeds of the sale of real property under provisions relating to authority of the General Land Office to accept grants, gifts, devices, trusts, and bequeaths that are not required for the management of real property and the proceeds of the sale of real property under provisions relating to authority of the General Land Office to accept title to a site following completion of remedial action in accordance with federal law.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 3632 adds to the original to include in the Texas Farm and Ranch Lands Conservation Fund the proceeds of the sale of real property under provisions relating to authority of the General Land Office to accept grants, gifts, devices, trusts, and bequeaths that are not required for the management of real property and the proceeds of the sale of real property under provisions relating to authority of the General Land Office to accept title to a site following completion of remedial action in accordance with federal law.