

By: Geren

H.B. No. 3632

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the state to acquire, sell, or exchange
3 certain land.

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

5 SECTION 1. Section 31.065, Natural Resources Code, is
6 amended by amending Subsections (a) and (c) and adding Subsections
7 (d) and (e) to read as follows:

8 (a) In the absence of any law to the contrary, the
9 commissioner may, if the commissioner [~~he~~] determines it to be in
10 the best interest of the state, accept grants, gifts, devises, or
11 bequests, either absolutely or in trust, of money or real or
12 personal property on behalf of the state. Real property so acquired
13 by the state becomes public free school land unless the person
14 making the grant, gift, devise, or bequest provides that the real
15 property is to be possessed, administered, or used by a particular
16 state agency, board, commission, department, or other particular
17 state entity or provides that it is to be held in some other manner
18 by the state.

19 (c) If the commissioner determines that the real property
20 acquired by the state by grant, gift, devise, or bequest is not
21 suitable for the purpose for which the grant, gift, devise, or
22 bequest was originally made, the commissioner together with the
23 agency, board, commission, department, or other state entity, if
24 any, designated to possess, administer, or use the real property

1 may exchange the real property for real property that is suitable
2 for such purpose.

3 (d) If real property acquired by grant, gift, devise, or
4 bequest is not held as part of the permanent school fund or
5 possessed, administered, or used by a particular state agency, the
6 commissioner may manage that real property or sell or exchange the
7 real property under terms and conditions the commissioner
8 determines to be in the best interest of the state. Real property
9 sold under this subsection must be sold in accordance with Section
10 31.158. Proceeds of the sale that are not required for the
11 management of real property under this subsection shall be
12 deposited in the Texas farm and ranch lands conservation fund
13 established under Chapter 183. Real property acquired under this
14 subsection may be dedicated by the commissioner to any state
15 agency, board, commission, political subdivision, or other
16 governmental entity of this state, or the federal government, for
17 the benefit and use of the public in exchange for nonmonetary
18 consideration, if the commissioner determines that the exchange is
19 in the best interest of the state.

20 (e) The commissioner may adopt rules necessary to implement
21 this section.

22 SECTION 2. Section 31.066, Natural Resources Code, is
23 amended by amending Subsections (a) and (c) and adding Subsection
24 (d) to read as follows:

25 (a) If it is necessary for the United States government to
26 acquire real property in this state to conduct remedial action at a
27 site listed on the National Priorities List under the federal

1 Comprehensive Environmental Response, Compensation and Liability
2 Act of 1980 (42 U.S.C. Section 9601 et seq.), the commissioner [~~land~~
3 ~~office~~] may accept transfer on behalf of the state of the title and
4 interest in the real property from the United States government.
5 The commissioner [~~land-office~~] may accept a transfer following
6 completion of remedial action at a site only on the condition that
7 the state will not incur any liability under that federal law solely
8 by acquiring the title and interest in the real estate.

9 (c) Any title and interest in real property acquired by the
10 commissioner [~~land-office~~] under this section shall be held in the
11 name of the state. Title or interest acquired under this section
12 does not become a part of the permanent school fund or any other
13 fund created by the Texas Constitution.

14 (d) The commissioner may sell any title or interest acquired
15 by the state under this section in accordance with Section 31.158.
16 Proceeds of the sale shall be deposited in the Texas farm and ranch
17 lands conservation fund established under Chapter 183.

18 SECTION 3. Section 31.167, Natural Resources Code, is
19 amended by amending Subsection (c) and adding Subsections (d) and
20 (e) to read as follows:

21 (c) The special board of review must file a copy of the
22 development plan in the deed records of the county in which the real
23 property is located. Revisions to the development plan that are
24 requested after the later of the 10th anniversary of the date on
25 which the development plan was promulgated by the special board of
26 review or the date on which the state no longer holds a financial or
27 property interest in the real property subject to the plan are

1 governed by local development policies and procedures.

2 (d) After issuance of an order establishing a development
3 plan for real property that is not part of the permanent school fund
4 or in which the permanent school fund does not have a financial
5 interest, the composition of any future special board of review
6 called to consider revision of that order must consist of:

7 (1) the presiding officer of the governing board of
8 the agency or institution possessing the real property or the
9 presiding officer's designated representative;

10 (2) two members who are employed by the agency or
11 institution possessing the real property, appointed by the
12 presiding officer of the governing board of the agency or
13 institution or the presiding officer's designated representative;

14 (3) the county judge of the county in which the real
15 property is located; and

16 (4) if the real property is located within the
17 corporate boundaries or extraterritorial jurisdiction of a
18 municipality, the mayor of the municipality.

19 (e) The member described by Subsection (d)(1) serves as the
20 presiding officer of the special board of review.

21 SECTION 4. Section 183.058(a), Natural Resources Code, is
22 amended to read as follows:

23 (a) The Texas farm and ranch lands conservation fund is an
24 account in the general revenue fund that may be appropriated only to
25 the land office to be used as provided by Subsection (b). The fund
26 may not be used for grants to purchase or acquire any right or
27 interest in property by eminent domain. The fund consists of:

- 1 (1) money appropriated by the legislature to the fund;
- 2 (2) public or private grants, gifts, donations, or
- 3 contributions; ~~and~~
- 4 (3) funds from any other source, including proceeds
- 5 from the sale of bonds, state or federal mitigation funds, or funds
- 6 from any local, state, or federal program;
- 7 (4) proceeds of the sale of real property under
- 8 Section 31.065(d) that are not required for the management of real
- 9 property under that subsection; and
- 10 (5) proceeds of the sale of real property under
- 11 Section 31.066(d).

12 SECTION 5. This Act takes effect immediately if it receives

13 a vote of two-thirds of all the members elected to each house, as

14 provided by Section 39, Article III, Texas Constitution. If this

15 Act does not receive the vote necessary for immediate effect, this

16 Act takes effect September 1, 2009.