

1-1 By: Averitt S.B. No. 2049
1-2 (In the Senate - Filed March 12, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 21, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 21, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2049 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the state to acquire, sell, or exchange
1-11 certain land.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 31.065, Natural Resources Code, is
1-14 amended by amending Subsections (a) and (c) and adding Subsections
1-15 (d) and (e) to read as follows:

1-16 (a) In the absence of any law to the contrary, the
1-17 commissioner may, if the commissioner [~~he~~] determines it to be in
1-18 the best interest of the state, accept grants, gifts, devises, or
1-19 bequests, either absolutely or in trust, of money or real or
1-20 personal property on behalf of the state. Real property so acquired
1-21 by the state becomes public free school land unless the person
1-22 making the grant, gift, devise, or bequest provides that the real
1-23 property is to be possessed, administered, or used by a particular
1-24 state agency, board, commission, department, or other particular
1-25 state entity or provides that it is to be held in some other manner
1-26 by the state.

1-27 (c) If the commissioner determines that the real property
1-28 acquired by the state by grant, gift, devise, or bequest is not
1-29 suitable for the purpose for which the grant, gift, devise, or
1-30 bequest was originally made, the commissioner together with the
1-31 agency, board, commission, department, or other state entity, if
1-32 any, designated to possess, administer, or use the real property
1-33 may exchange the real property for real property that is suitable
1-34 for such purpose.

1-35 (d) If real property acquired by grant, gift, devise, or
1-36 bequest is not held as part of the permanent school fund or
1-37 possessed, administered, or used by a particular state agency,
1-38 board, commission, department, or other particular state entity,
1-39 the commissioner may manage that real property or sell or exchange
1-40 the real property under terms and conditions the commissioner
1-41 determines to be in the best interest of the state. Real property
1-42 sold under this subsection must be sold in accordance with Section
1-43 31.158. Proceeds of the sale that are not required for the
1-44 management of real property under this subsection shall be
1-45 deposited in the Texas farm and ranch lands conservation fund
1-46 established under Chapter 183. Real property acquired under this
1-47 subsection may be dedicated by the commissioner to any state
1-48 agency, board, commission, or department, a political subdivision
1-49 or other governmental entity of this state, or the federal
1-50 government, for the benefit and use of the public in exchange for
1-51 nonmonetary consideration, if the commissioner determines that the
1-52 exchange is in the best interest of the state.

1-53 (e) The commissioner may adopt rules necessary to implement
1-54 this section.

1-55 SECTION 2. Section 31.066, Natural Resources Code, is
1-56 amended by amending Subsections (a) and (c) and adding Subsection
1-57 (d) to read as follows:

1-58 (a) If it is necessary for the United States government to
1-59 acquire real property in this state to conduct remedial action at a
1-60 site listed on the National Priorities List under the federal
1-61 Comprehensive Environmental Response, Compensation and Liability
1-62 Act of 1980 (42 U.S.C. Section 9601 et seq.), the commissioner [~~land~~
1-63 ~~office~~] may accept transfer on behalf of the state of the title and

2-1 interest in the real property from the United States government.
2-2 The commissioner [~~land office~~] may accept a transfer following
2-3 completion of remedial action at a site only on the condition that
2-4 the state will not incur any liability under that federal law solely
2-5 by acquiring the title and interest in the real estate.

2-6 (c) Any title and interest in real property acquired by the
2-7 commissioner [~~land office~~] under this section shall be held in the
2-8 name of the state. Title or interest acquired under this section
2-9 does not become a part of the permanent school fund or any other
2-10 fund created by the Texas Constitution.

2-11 (d) The commissioner may sell any title or interest acquired
2-12 by the state under this section in accordance with Section 31.158.
2-13 Proceeds of the sale shall be deposited in the Texas farm and ranch
2-14 lands conservation fund established under Chapter 183.

2-15 SECTION 3. Section 31.167, Natural Resources Code, is
2-16 amended by amending Subsection (c) and adding Subsections (d) and
2-17 (e) to read as follows:

2-18 (c) The special board of review must file a copy of the
2-19 development plan in the deed records of the county in which the real
2-20 property is located. Revisions to the development plan that are
2-21 requested after the later of the 10th anniversary of the date on
2-22 which the development plan was promulgated by the special board of
2-23 review or the date on which the state no longer holds a financial or
2-24 property interest in the real property subject to the plan are
2-25 governed by local development policies and procedures.

2-26 (d) After issuance of an order establishing a development
2-27 plan for real property that is not part of the permanent school fund
2-28 or in which the permanent school fund does not have a financial
2-29 interest, the composition of any future special board of review
2-30 called to consider revision of that order must consist of:

2-31 (1) the presiding officer of the governing board of
2-32 the agency or institution possessing the real property or the
2-33 presiding officer's designated representative;

2-34 (2) two members who are employed by the agency or
2-35 institution possessing the real property, appointed by the
2-36 presiding officer of the governing board of the agency or
2-37 institution or the presiding officer's designated representative;

2-38 (3) the county judge of the county in which the real
2-39 property is located; and

2-40 (4) if the real property is located within the
2-41 corporate boundaries or extraterritorial jurisdiction of a
2-42 municipality, the mayor of the municipality.

2-43 (e) The member described by Subsection (d)(1) serves as the
2-44 presiding officer of the special board of review.

2-45 SECTION 4. Subsection (a), Section 183.058, Natural
2-46 Resources Code, is amended to read as follows:

2-47 (a) The Texas farm and ranch lands conservation fund is an
2-48 account in the general revenue fund that may be appropriated only to
2-49 the land office to be used as provided by Subsection (b). The fund
2-50 may not be used for grants to purchase or acquire any right or
2-51 interest in property by eminent domain. The fund consists of:

2-52 (1) money appropriated by the legislature to the fund;

2-53 (2) public or private grants, gifts, donations, or
2-54 contributions; [~~and~~]

2-55 (3) funds from any other source, including proceeds
2-56 from the sale of bonds, state or federal mitigation funds, or funds
2-57 from any local, state, or federal program;

2-58 (4) proceeds of the sale of real property not required
2-59 for the management of real property under Section 31.065(d); and

2-60 (5) proceeds of the sale of real property under
2-61 Section 31.066(d).

2-62 SECTION 5. This Act does not make an appropriation. A
2-63 provision in this Act that creates a new governmental program,
2-64 creates a new entitlement, or imposes a new duty on a governmental
2-65 entity is not mandatory during a fiscal period for which the
2-66 legislature has not made a specific appropriation to implement the
2-67 provision.

2-68 SECTION 6. This Act takes effect immediately if it receives
2-69 a vote of two-thirds of all the members elected to each house, as

3-1 provided by Section 39, Article III, Texas Constitution. If this
3-2 Act does not receive the vote necessary for immediate effect, this
3-3 Act takes effect September 1, 2009.

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