

SENATE AMENDMENTS

2nd Printing

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22 bequest was originally made, the commissioner together with the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.

ADOPTED

MAY 23 2009

Larry Sewell
Secretary of the Senate

By: *Green*

#.B. No. 3632

Substitute the following for .B. No. :

By: *[Signature]*

C.S. .B. No.

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

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

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

26 (a) If it is necessary for the United States government to
27 acquire real property in this state to conduct remedial action at a

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

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

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

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

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

1 property interest in the real property subject to the plan are
2 governed by local development policies and procedures.

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

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

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

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

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

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

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

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

1 interest in property by eminent domain. The fund consists of:

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

3 (2) public or private grants, gifts, donations, or
4 contributions; ~~and~~

5 (3) funds from any other source, including proceeds
6 from the sale of bonds, state or federal mitigation funds, or funds
7 from any local, state, or federal program;

8 (4) proceeds of the sale of real property not required
9 for the management of real property under Section 31.065(d); and

10 (5) proceeds of the sale of real property under
11 Section 31.066(d).

12 SECTION 5. Sections 191.021(b) and (d), Natural Resources
13 Code, are amended to read as follows:

14 (b) If an institution of higher education notifies the
15 committee in a timely manner (as established by the committee's
16 rules) that it protests the proposed designation of a building or
17 land under its control as a landmark, the matter becomes a contested
18 case under the provisions of Sections 12 through 20 of the
19 Administrative Procedure and Texas Register Act. In the conduct of
20 proceedings under the Administrative Procedure and Texas Register
21 Act, both the hearing officer in his or her recommendations to the
22 committee and the committee in its determinations of findings of
23 fact and conclusions of law shall consider, in addition to such
24 other objective criteria as the committee may establish pursuant to
25 Section 191.091 of this chapter:

26 (1) that the primary mission of institutions of higher
27 education is the provision of educational services to the state's

1 citizens;

2 (2) that the authority for expenditure of the portion
3 of the state's resources allocated to institutions of higher
4 education for construction and repair purposes is entrusted to the
5 governing boards of institutions of higher education for the
6 purpose of the furtherance of the primary mission of the respective
7 institutions of higher education;

8 (3) whether the benefit to the state from landmark
9 designation outweighs the potential inflexibility of use that may
10 be a consequence of the designation; and

11 (4) whether the cost of remodeling and/or restoration
12 that might be required under the permit procedures of the committee
13 if the building were designated as a landmark may be so
14 substantially greater than remodeling under procedures established
15 by law for the review of remodeling projects for higher education
16 buildings not so designated as to impair the proper use of funds
17 designated by the state for educational purposes at the
18 institution.

19 (d) Weighing the criteria set forth in Subsections (b) and
20 (c) of this section against the criteria it adopts pursuant to
21 Section 191.092 of this chapter and such criteria as it may adopt
22 with regard to permit requirements, the committee shall designate a
23 building or land under the control of an institution of higher
24 education as a landmark or include a requirement in a permit only if
25 the record before the committee establishes by clear and convincing
26 evidence that such designation or inclusion would be in the public
27 interest.

1 SECTION 6. This Act does not make an appropriation. A
2 provision in this Act that creates a new governmental program,
3 creates a new entitlement, or imposes a new duty on a governmental
4 entity is not mandatory during a fiscal period for which the
5 legislature has not made a specific appropriation to implement the
6 provision.

7 SECTION 7. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.

ADOPTED

3rd Reading

FLOOR AMENDMENT NO. 1

MAY 23 2009

Leta Spaw
Secretary of the Senate

BY: *Nichols*

1 Amend H.B. No. 3632 (Senate Committee Report version), by
2 adding the appropriately numbered SECTION, as follows:

3 SECTION ____ (a) Not later than September 30, 2009, the
4 Texas Department of Transportation shall transfer to Polk County
5 the real property described by Subsection (f) of this section.

6 (b) Polk County may use the property transferred under
7 this Act only for a purpose that benefits the public interest of
8 the state. If Polk County uses the property for any purpose
9 other than a purpose that benefits the public interest of the
10 state, Polk County shall pay to the Texas Department of
11 Transportation an amount equal to the fair market value of the
12 property on the date Polk County begins using the property for
13 the purpose other than a purpose that benefits the public
14 interest of the state, less the amount that Polk County paid to
15 the Texas Department of Transportation under Subsection (c) of
16 this section.

17 (c) On the effective date of the transfer authorized under
18 Subsection (a) of this section, Polk County shall pay an amount
19 to reimburse the Texas Department of Transportation for the
20 department's actual costs to acquire the property. If the Texas
21 Department of Transportation cannot determine that amount, the
22 amount shall be determined based on the average historical
23 right-of-way acquisition values for right-of-way located in
24 proximity to the property described by Subsection (f) of this
25 section on the date of original acquisition of the property by
26 the Texas Department of Transportation. Money received by the
27 Texas Department of Transportation under this subsection shall
28 be deposited in the state highway fund and used in the Texas
29 Department of Transportation district in which the property is

1 located.

2 (d) The Texas Department of Transportation shall transfer
3 the property by an appropriate instrument of transfer. The
4 instrument of transfer must:

5 (1) provide that:

6 (A) Polk County may use the property only for a
7 purpose that benefits the public interest of the state; or

8 (B) if Polk County uses the property for any
9 purpose other than a purpose that benefits the public interest
10 of the state, Polk County shall pay to the Texas Department of
11 Transportation an amount equal to the fair market value of the
12 property on the date Polk County begins using the property for
13 the purpose other than a purpose that benefits the public
14 interest of the state, less the amount that Polk County paid to
15 the Texas Department of Transportation under Subsection (c) of
16 this section; and

17 (2) describe the property to be transferred by metes
18 and bounds.

19 (e) The Texas Department of Transportation shall retain
20 custody of the instrument of transfer after the instrument of
21 transfer is filed in the real property records of Polk County.

22 (f) The real property referred to in this section is
23 described as follows:

24 FIELDNOTES of 10.549 Acres in the M.L. Choate Survey, A-15, Polk
25 County, Texas and being all of a 1.338 Acre Tract described
26 under Parcel 28, Part 1 in a Judgment of Court in the State of
27 Texas, et al, versus Wayne Duncan and wife, Judy Duncan, dated
28 August 6, 1975 and recorded in Volume 305, Page 357 of the Polk
29 County Deed Records and also being part of a 20.198 Acre Tract
30 described under Parcel 26, Part 2 in a deed from H.D. Nixon and
31 wife, Bonibel Nixon, et al, to the State of Texas dated August

1 21, 1975 and recorded in Volume 305, Page 726 of said Deed
2 Records. Said 10.549 Acres being more particularly described as
3 follows:

4 BEGINNING at the most Northerly West corner of said 20.198 Acre
5 Tract and an interior corner of a 224.204 Acre Tract conveyed to
6 the City of Livingston by deed recorded in Volume 450, Page 805
7 of said Deed Records, found a concrete monument with a 1/2" iron
8 rod for corner;

9 THENCE with the most Northerly Northwest Line of said 20.198
10 Acre Tract and a Southeast Line of said 224.204 Acre Tract,
11 N48°28'33"E 399.68 feet to the most Northerly North corner of
12 said 20.198 Acre Tract and an interior corner of said 224.204
13 Acre Tract, found a concrete monument with a 1/2" iron rod for
14 corner;

15 THENCE with the most Northerly Northeast Line of said 20.198
16 Acre Tract, a Southwest Line of said 224.204 Acre Tract, the
17 Southwest Line of Garden Ridge Subdivision as shown on a Plat
18 recorded in Volume 11, Page 31 of the Polk County Plat Records,
19 the Southwest Line of the residue of a 4.873 Acre Tract conveyed
20 to Donald R. Langston by deed recorded in Volume 1064, Page 882
21 of said Official Records, and the Northeast Line of said 1.338
22 Acre Tract, S41°33'29"E 1,149.91 feet to an interior corner of
23 said 20.189 Acre Tract and the South corner of said residue
24 Tract, found a concrete monument with a 1/2" iron rod for corner
25 which bears N41°26'31"W 200 feet from Highway No. 59 centerline
26 station 164+49.77 and also marks the beginning of a Control of
27 Access Line;

28 THENCE across and severing said 20.198 Acre Tract, S48°33'29"W,
29 at 369.77 feet and N41°26'31"W 200 feet from station 161+10.00
30 pass the end of said Control of Access Line and continue on same
31 course a total distance of 399.77 feet to an interior corner of

1 said 20.198 Acre Tract and the East corner of a 1.250 Acre Tract
2 conveyed to the Polk County Chamber of Commerce by deed recorded
3 in Volume 1089, Page 79 of said Official Records, found a
4 concrete monument with a 1/2" iron rod for corner which bears
5 N41°26'31"W 200 feet from said Highway centerline at station
6 160+50.00;

7 THENCE with the Northeast Line of said 1.250 Acre Tract, the
8 Northeast Line of said 224.204 Acre Tract, and the Southwest
9 Line of said 20.198 Acre Tract, N41°33'13"W 1,149.34 feet to the
10 Place of Beginning and containing 10.549 Acres of Land.

11 The bearings described herein are based upon the most Westerly
12 Northwest Line of said 20.198 Acre Tract.

13 (g) Polk County shall pay any transaction fees resulting
14 from the transfer of property under this Act.

ADOPTED

MAY 23 2009

FLOOR AMENDMENT NO. 1

Patricia Brew
Secretary of the Senate

BY: *Robyn Ellis*

1 Amend H.B. No. 3032 by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering subsequent
3 SECTIONS of the bill accordingly:

4 SECTION _____. The heading to Section 2165.2035, Government
5 Code, is amended to read as follows:

6 Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS
7 AND GARAGES; USE AFTER HOURS.

8 SECTION _____. Subchapter E, Chapter 2165, Government Code,
9 is amended by adding Sections 2165.204 and 2165.2045 to read as
10 follows:

11 Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS
12 AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The
13 commission may lease to a private individual an individual
14 parking space in a state-owned parking lot or garage located in
15 the city of Austin that the commission determines is not needed
16 to accommodate the regular parking requirements of state
17 employees who work near the lot or garage and visitors to nearby
18 state government offices.

19 (b) Money received from a lease under this section shall
20 be deposited to the credit of the general revenue fund.

21 (c) On or before December 1 of each even-numbered year,
22 the commission shall submit a report to the legislature and the
23 Legislative Budget Board describing the effectiveness of the
24 program under this section.

25 Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS
26 AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The
27 commission may lease to an institution of higher education or a
28 local government all or a significant block of a state-owned
29 parking lot or garage located in the city of Austin that the

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1 commission determines is not needed to accommodate the regular
2 parking requirements of state employees who work near the lot or
3 garage and visitors to nearby state government offices.

4 (b) Money received from a lease under this section shall
5 be deposited to the credit of the general revenue fund.

6 (c) On or before December 1 of each even-numbered year,
7 the commission shall submit a report to the legislature and the
8 Legislative Budget Board describing the effectiveness of the
9 program under this section.

10 SECTION _____. (a) In this section, "commission" means the
11 Texas Facilities Commission.

12 (b) The commission shall conduct a study on the actual
13 usage of state parking facilities by state employees. In
14 conducting the study, the commission shall:

15 (1) for each state parking facility under the
16 commission's charge and control, consider the:

17 (A) available parking capacity of the facility;

18 (B) number of state employees using the
19 facility;

20 (C) number of visitors using the facility;

21 (D) amount and nature of revenue realized from
22 the facility; and

23 (E) excess capacity available within the
24 facility; and

25 (2) develop recommendations for the redevelopment of
26 significantly underused parking facilities to purposes more
27 suited to the efficient administration of state government.

28 (c) Not later than September 1, 2010, the commission shall
29 report the results of the study conducted under this section to
30 the governor and the Legislative Budget Board.

31 (d) This section expires January 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3632 by Geren (Relating to the authority of the state to acquire, sell, or exchange certain land.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3632, As Passed 2nd House: a positive impact of \$1,421,004 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$707,926
2011	\$713,078
2012	\$712,962
2013	\$712,962
2014	\$712,962

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/ (Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$63,050)	\$770,976	1.0
2011	(\$57,898)	\$770,976	1.0
2012	(\$58,014)	\$770,976	1.0
2013	(\$58,014)	\$770,976	1.0
2014	(\$58,014)	\$770,976	1.0

Fiscal Analysis

The bill would authorize the Land Commissioner to accept grants, gifts, devises, or bequests, either absolutely or in trust, of money or real of personal property on behalf of the state in accordance with Natural Resources Code, Section 31.158. Proceeds of the sale would be deposited to the Texas Farm and Ranch Lands Conservation (FRLC) Fund established under Natural Resources Code, Chapter 183.

The bill would implement recommendations in the report, "Optimize the Use of State Parking Facilities," in the LBB *Government Effectiveness and Efficiency Report* submitted to the Eighty-First Texas Legislature, 2009.

The bill would expand the Texas Facilities Commission's (TFC) authority related to the operations of state-owned parking lots and garages. The bill would authorize the Commission to lease individual excess parking spaces in Austin to individuals. The bill would also authorize the Commission to lease an entire parking facility, or a significant part of a facility, to an institution of higher education or local

government in Austin. The bill would direct revenue received from the leasing operations to be deposited to the general revenue fund. The bill would require the Commission to report biennially on the effectiveness of these lease operations.

The bill would require the Texas Department of Transportation (TxDOT) to transfer to Polk County certain real property. Polk County would be required to pay an amount to reimburse TxDOT for the department's actual costs to acquire the property provided that the county uses the property only for a purpose that benefits the public interest of the state. If Polk County uses the property for a purpose that does not benefit the public interest of the state, the county would be required to pay TxDOT an amount equal to the fair market value of the property on the date the county begins using the property for a purpose that does not benefit the public interest. Money received from the transfer would be required to be deposited into the State Highway Fund and to be used in the TxDOT district in which the property is located. TxDOT would retain custody of the instrument of transfer after it is filed in the real property records of Polk County. The county would be required to pay any transaction fees resulting from the transfer of property.

Methodology

The LBB estimates that implementing the provisions of the bill relating to parking facilities would result in revenue of \$770,796 per year to the General Revenue Fund. This estimate is based on leasing 40 percent of the estimated currently available excess parking spaces in the Capitol Complex to individuals at \$50 per month. Because the exact implementation (number of parking spaces to be leased and the contract lease rate to be applied) is currently unknown, the Comptroller of Public Accounts cannot provide a certifiable revenue estimate at this time. Changes in the implementation of the program from the assumptions made above will alter projected revenue.

The implementation of a program to lease specific parking spaces to individuals would require the Texas Facilities Commission (TFC) to hire an additional employee due to the quantity of leases involved. The additional employee would cost \$63,000 in fiscal year 2010 and \$58,000 in fiscal year 2011 out of the General Revenue Fund, for a biennial cost of \$121,000. The TFC could manage the lease of entire parking facilities, or segments of parking facilities, with existing resources due to the limited number of opportunities.

This estimate assumes that the General Land Office (GLO) would likely receive revenue into the FRLC Fund due to the sale and disposition of property. The actual amount of revenues and expenditures from the FRLC in 2011-15 would vary and depend on the number of grants, gifts, devises, or bequests given to the state under the FRLC program and the value of such lands. This estimate does not assume that the amounts would be significant. In addition, this estimate assumes that costs to the GLO associated with setting up the program, preparing for acquisitions and dispositions could be absorbed using existing GLO resources.

Regarding the bill's provisions relating to the transfer of property from TxDOT to Polk County, TxDOT reports that the 10.549 acres of land described in the bill was originally acquired for \$13,773, with Polk County contributing 10 percent of the cost; therefore, the net cost to the state was \$12,396. According to the TxDOT Lufkin District's estimate, the current market value of the land is between \$600,000 and \$815,000. Therefore, if Polk County were to use the land to benefit the public interest, the state would receive \$12,396 for deposit into the State Highway Fund; otherwise, the county would be required to pay between \$600,000 and \$815,000.

Local Government Impact

The bill could result in Polk County being required to pay between \$600,000 and \$815,000 if the county would not use the land being transferred from TxDOT for a public purpose.

Source Agencies: 303 Facilities Commission, 304 Comptroller of Public Accounts, 347 Public Finance Authority, 601 Department of Transportation

LBB Staff: JOB, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 8, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3632 by Geren (Relating to the authority of the state to acquire, sell, or exchange certain land.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would authorize the Land Commissioner to accept grants, gifts, devises, or bequests, either absolutely or in trust, of money or real or personal property on behalf of the state in accordance with Natural Resources Code, Section 31.158. Proceeds of the sale would be deposited to the Texas Farm and Ranch Lands Conservation (FRLC) Fund established under Natural Resources Code, Chapter 183.

This estimate assumes that the General Land Office (GLO) would likely receive revenue into the FRLC Fund due to the sale and disposition of property. The actual amount of revenues and expenditures from the FRLC in 2011-15 would vary and depend on the number of grants, gifts, devises, or bequests given to the state under the FRLC program and the value of such lands. This estimate does not assume that the amounts would be significant. In addition, this estimate assumes that costs to the GLO associated with setting up the program, preparing for acquisitions and dispositions could be absorbed using existing GLO resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: JOB, SZ, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 1, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3632 by Geren (Relating to the authority of the state to acquire, sell, or exchange certain land.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3632, As Engrossed: a negative impact of (\$200,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$200,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>New Other--Farm and Ranch Land Conservation Fund</i>	Probable Revenue Gain/ (Loss) from <i>New Other--Farm and Ranch Land Conservation Fund</i>
2010	(\$200,000)	(\$100,000)	\$100,000
2011	\$0	(\$100,000)	\$100,000
2012	\$0	(\$100,000)	\$100,000
2013	\$0	(\$100,000)	\$100,000
2014	\$0	(\$100,000)	\$100,000

Fiscal Analysis

The bill would authorize Land Commissioner to accept grants, gifts, devises, or bequests, either absolutely or in trust, of money or real or personal property on behalf of the state. The bill also would authorize the Land Commissioner to sell any title or interest acquired by the state in accordance with Natural Resources Code, Section 31.158. Proceeds of the sale would be deposited in the Texas Farm and Ranch Lands Conservation Fund established under Natural Resources Code, Chapter 183.

Methodology

This estimate assumes that the General Land Office (GLO) would likely receive revenue into the Texas Farm and Ranch Land Conservation (FRLC) Fund due to the sale and disposition of property.

This estimate assumes that in the first year after enactment, no revenues would accrue to the FRLC Fund. Instead, the General Land Office would require \$200,000 in General Revenue to establish the program, including funds to prepare for acquisitions and depositions. Beginning in fiscal year 2011, this estimate assumes that \$100,000 in revenues would accrue to the FRLC and that the agency would receive appropriations from this account in a like amount to continue to acquire and dispose of FRLC lands.

The actual amount of revenues and expenditures from the FRLC in 2011-2015 could be significantly higher or lower than the amounts shown in this estimate and would depend on the number of grants, gifts, devises, or bequests given to the state under the FRLC program and the value of such lands.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: JOB, CL, SZ, ZS, TL, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 9, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3632 by Geren (relating to the authority of the state to acquire, sell, or exchange certain land.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3632, Committee Report 1st House, Substituted: a negative impact of (\$200,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$200,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>New Other--Farm and Ranch Land Conservation Fund</i>	Probable Revenue Gain/ (Loss) from <i>New Other--Farm and Ranch Land Conservation Fund</i>
2010	(\$200,000)	(\$100,000)	\$100,000
2011	\$0	(\$100,000)	\$100,000
2012	\$0	(\$100,000)	\$100,000
2013	\$0	(\$100,000)	\$100,000
2014	\$0	(\$100,000)	\$100,000

Fiscal Analysis

The bill would authorize Land Commissioner to accept grants, gifts, devises, or bequests, either absolutely or in trust, of money or real or personal property on behalf of the state. The bill also would authorize the Land Commissioner to sell any title or interest acquired by the state in accordance with Natural Resources Code, Section 31.158. Proceeds of the sale would be deposited in the Texas Farm and Ranch Lands Conservation Fund established under Natural Resources Code, Chapter 183.

Methodology

This estimate assumes that the General Land Office (GLO) would likely receive revenue into the Texas Farm and Ranch Land Conservation (FRLC) Fund due to the sale and disposition of property.

This estimate assumes that in the first year after enactment, no revenues would accrue to the FRLC Fund. Instead, the General Land Office would require \$200,000 in General Revenue to establish the program, including funds to prepare for acquisitions and depositions. Beginning in fiscal year 2011, this estimate assumes that \$100,000 in revenues would accrue to the FRLC and that the agency would receive appropriations from this account in a like amount to continue to acquire and dispose of FRLC lands.

The actual amount of revenues and expenditures from the FRLC in 2011-2015 could be significantly higher or lower than the amounts shown in this estimate and would depend on the number of grants, gifts, devises, or bequests given to the state under the FRLC program and the value of such lands.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: JOB, SZ, ZS, TL, WK, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3632 by Geren (Relating to the authority of the state to acquire, sell, or exchange certain land.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3632. As Introduced: a negative impact of (\$200,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$200,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>New Other--Farm and Ranch Land Conservation Fund</i>	Probable Revenue Gain/ (Loss) from <i>New Other--Farm and Ranch Land Conservation Fund</i>
2010	(\$200,000)	(\$100,000)	\$100,000
2011	\$0	(\$100,000)	\$100,000
2012	\$0	(\$100,000)	\$100,000
2013	\$0	(\$100,000)	\$100,000
2014	\$0	(\$100,000)	\$100,000

Fiscal Analysis

The bill would authorize Land Commissioner to accept grants, gifts, devises, or bequests, either absolutely or in trust, of money or real or personal property on behalf of the state. The bill also would authorize the Land Commissioner to sell any title or interest acquired by the state in accordance with Natural Resources Code, Section 31.158. Proceeds of the sale would be deposited in the Texas Farm and Ranch Lands Conservation Fund established under Natural Resources Code, Chapter 183.

Methodology

This estimate assumes that the General Land Office (GLO) would likely receive revenue into the Texas Farm and Ranch Land Conservation (FRLC) Fund due to the sale and disposition of property.

This estimate assumes that in the first year after enactment, no revenues would accrue to the FRLC Fund. Instead, the General Land Office would require \$200,000 in General Revenue to establish the program, including funds to prepare for acquisitions and depositions. Beginning in fiscal year 2011, this estimate assumes that \$100,000 in revenues would accrue to the FRLC and that the agency would receive appropriations from this account in a like amount to continue to acquire and dispose of FRLC lands.

The actual amount of revenues and expenditures from the FRLC in 2011-2015 could be significantly higher or lower than the amounts shown in this estimate and would depend on the number of grants, gifts, devises, or bequests given to the state under the FRLC program and the value of such lands.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: JOB, WK, ZS, TL, TP

