

## **BILL ANALYSIS**

C.S.S.B. 1023  
By: Watson  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the 1839 Republic of Texas survey of the City of Austin set aside several blocks and lots for public uses, including blocks designated as public squares. The parties point out that, while the squares are owned by the state, the City of Austin has been the steward of the remaining squares for almost 175 years. These historic public squares, such as Wooldridge, Brush, and Republic, have been integral to the urban landscape of Austin. It is noted that the City of Austin continues to make substantial investments in these squares in the form of capital improvements, operations, and maintenance. Research has revealed no formal lease for Wooldridge Square or Brush Square; however, in 1917, the legislature changed the designation of what is now known as Republic Square from Public Square to Public Municipal Auditorium and Market Square and granted the City of Austin a 99-year lease of the square.

Interested parties recognize the City of Austin's stewardship of the historic downtown squares and suggest that renewing the land grant for Republic Square and formalizing the land grant for Wooldridge Square and Brush Square, provided the properties are used for specified purposes, would provide leaders and citizens of Austin reasonable assurance that the stewardship and investment in the downtown squares can continue for many years to come. C.S.S.B 1023 seeks to formalize or renew these land grants, as applicable, while reserving to the legislature the power to terminate any portion of such a lease at any time for any reason.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1023 amends Chapter 34 (H.B. 215), General Laws, Acts of the 33rd Legislature, Regular Session, 1913, to renew, extend, and modify a 99-year lease of certain state property to the City of Austin by granting to the City of Austin for a period of 99 years beginning on August 15, 2016, a lease of the Wooldridge Park and Brush Park tracts and to set out the boundaries of those tracts. The bill limits the City of Austin to using those tracts as municipal parks in which theaters, operas, concerts, lectures, fairs, shows, and public exhibitions and entertainments generally can be conducted with or without pay and in which produce may be bought or sold and authorizes the city to construct, operate, and maintain public amenities on the tracts. The bill clarifies that the tracts revert to the state if the City of Austin fails to use the property for those purposes, and authorizes the legislature, by concurrence of both houses, to terminate the lease, or a portion of the lease, at any time for any reason.

### **EFFECTIVE DATE**

August 15, 2016.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1023 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

### SENATE ENGROSSED

SECTION 1. Chapter 34 (H.B. 215), General Laws, Acts of the 33rd Legislature, Regular Session, 1913, is amended by amending Section 2 and adding Sections 2A and 2B to read as follows:

Sec. 2. That the State of Texas hereby cedes and grants to the City of Austin the plot or square of land described in Section 1 of the Act for a period of ninety-nine years beginning on August 15, 2016, [~~from the taking effect hereof~~] and said City through its municipal authorities, be and the same is hereby authorized and empowered to:

(1) establish, operate and maintain upon the land described by Section 1 of this Act [~~said block bounded on the North by Fifth street, on the south by Fourth street, on the East by Guadalupe street, and on the West by San Antonio street,~~] a municipal auditorium and market, in which auditorium, theatres, operas, concerts, lectures, fairs, shows and public exhibitions and entertainments generally can be conducted with or without pay; and in this market all kinds of produce may be bought and sold either in the open square or in a market house constructed thereon; and

(2) construct, operate, and maintain public amenities on the land described by Section 1 of this Act.

Sec. 2A. (a) Subject to Section 2B of this Act, the State of Texas grants to the City of Austin for a period of 99 years beginning on August 15, 2016, a lease of the property described as follows:

(1) Tract 1. Wooldridge Park. The northwest Public Square now known as Wooldridge Park, bounded on the north by Mulberry Street (now W. 10th Street), on the east by Guadalupe Street, on the south by Ash Street (now W. 9th Street), and on the west by San Antonio Street, and being 276 feet square, as delineated on the map titled "Plan of the City of Austin 1840" filed in the General Land Office; and

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 34 (H.B. 215), General Laws, Acts of the 33rd Legislature, Regular Session, 1913, is amended by amending Section 2 and adding Sections 2A and 2B to read as follows:

Sec. 2. Same as engrossed version.

Sec. 2A. Same as engrossed version.

(2) Tract 2. Brush Park. The southeast Public Square now known as Brush Park, bounded on the north by Pine Street (now E. 5th Street), on the east by Neches Street, on the south by Cedar Street (now E. 4th Street), and on the west by Trinity Street, and being 276 feet square as delineated on the map titled "Plan of the City of Austin 1840" filed in the General Land Office.

(b) Except as provided by Subsection (c) of this section, the City of Austin may only use the tracts described by Subsection (a) of this section as municipal parks in which:

(1) theatres, operas, concerts, lectures, fairs, shows, and public exhibitions and entertainments generally can be conducted with or without pay; and

(2) produce may be bought and sold.

(c) The City of Austin may construct, operate, and maintain public amenities on the tracts described by Subsection (a) of this section.

Sec. 2B. (a) The[; provided, however, that the] state does not by this Act part with any title, color of title or interest which it now owns in the property described in this Act [bill], except as granted herein.

(b) In the event, however, the City of Austin should fail to use the property [plot of land] described in Section 1 or 2A(a)(1) or (2) of this Act [herein] for the purpose or purposes designated, that property [the same] shall revert to the State as upon breach of condition subsequent.

SECTION 2. This Act takes effect August 15, 2016.

Sec. 2B. (a) The[; provided, however, that the] state does not by this Act part with any title, color of title or interest which it now owns in the property described in this Act [bill], except as granted herein.

(b) In the event, however, the City of Austin should fail to use the property [plot of land] described in Section 1 or 2A(a)(1) or (2) of this Act [herein] for the purpose or purposes designated, that property [the same] shall revert to the State as upon breach of condition subsequent.

(c) The legislature, by concurrence of both houses, may terminate the lease, or a portion thereof, at any time for any reason.

SECTION 2. Same as engrossed version.