

1-1 By: Geren (Senate Sponsor - Kolthorst) H.B. No. 1925
 1-2 (In the Senate - Received from the House April 20, 2015;
 1-3 May 5, 2015, read first time and referred to Committee on
 1-4 Agriculture, Water, and Rural Affairs; May 13, 2015, reported
 1-5 adversely, with favorable Committee Substitute by the following
 1-6 vote: Yeas 6, Nays 0; May 13, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1925 By: Perry

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the transfer of the Texas Farm and Ranch Lands
 1-20 Conservation Program to the Parks and Wildlife Department.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 183, Natural Resources
 1-23 Code, is transferred to Subtitle E, Title 5, Parks and Wildlife
 1-24 Code, redesignated as Chapter 84, Parks and Wildlife Code, and
 1-25 amended to read as follows:

1-26 CHAPTER 84 [~~SUBCHAPTER B~~]. TEXAS FARM AND RANCH LANDS CONSERVATION
 1-27 PROGRAM

1-28 Sec. 84.001 [~~183.051~~]. PURPOSE. The purpose of the program
 1-29 established under this chapter [~~subchapter~~] is to enable and
 1-30 facilitate the purchase and donation of agricultural conservation
 1-31 easements.

1-32 Sec. 84.002 [~~183.052~~]. DEFINITIONS. In this chapter
 1-33 [~~subchapter~~]:

1-34 (1) "Agricultural conservation easement" means a
 1-35 conservation easement in qualified land that is designed to
 1-36 accomplish one or more of the following additional purposes:

1-37 (A) conserving water quality or quantity;
 1-38 (B) conserving native wildlife species through
 1-39 protection of their habitat;

1-40 (C) conserving rare or sensitive plant species;
 1-41 or

1-42 (D) conserving large tracts of qualified
 1-43 open-space land that are threatened with fragmentation or
 1-44 development.

1-45 (2) "Conservation easement" has the meaning assigned
 1-46 by Section 183.001, Natural Resources Code [~~"Commissioner" means~~
 1-47 ~~the commissioner of the General Land Office~~].

1-48 (3) "Council" means the Texas Farm and Ranch Lands
 1-49 Conservation Council established under Section 84.011 [~~183.061~~].

1-50 (4) "Fund" means the Texas farm and ranch lands
 1-51 conservation fund established under Section 84.008 [~~183.058~~].

1-52 (5) "Holder" has the meaning assigned by Section
 1-53 183.001, Natural Resources Code [~~"Land office" means the General~~
 1-54 ~~Land Office~~].

1-55 (6) "Program" means the Texas farm and ranch lands
 1-56 conservation program established under this chapter [~~subchapter~~].

1-57 (7) "Purchase of agricultural conservation easement"
 1-58 means the purchase from a willing seller of an agricultural
 1-59 conservation easement.

1-60 (8) "Qualified easement holder" means a holder that

2-1 is:

2-2 (A) a state agency, a county, or a municipality;

2-3 or

2-4 (B) an organization that is exempt from federal

2-5 income taxation under Section 501(a), Internal Revenue Code of

2-6 1986, as an organization described by Section 501(c)(3) of that

2-7 code and that is organized for the purpose of preserving

2-8 agriculture, open space, or natural resources.

2-9 (9) "Qualified land" means qualified open-space land,

2-10 as that term is defined by Section 23.51, Tax Code.

2-11 Sec. 84.003 [~~183.053~~]. PROGRAM. The Texas farm and ranch

2-12 lands conservation program is established as a program of the

2-13 department [~~land office~~] for the purpose of administering the

2-14 assistance to be provided by the fund for the purchase of

2-15 agricultural conservation easements.

2-16 Sec. 84.004 [~~183.054~~]. TERMS OF AGRICULTURAL CONSERVATION

2-17 EASEMENT. (a) An agricultural conservation easement under this

2-18 chapter [~~subchapter~~] must be perpetual or for a term of 30 years.

2-19 (b) The owner of qualified land and a potential purchaser of

2-20 an agricultural conservation easement should consider and

2-21 negotiate easement terms, including the following considerations:

2-22 (1) whether the landowner will receive a lump sum or

2-23 annual payments;

2-24 (2) whether the term of the easement shall be

2-25 perpetual or for a term of 30 years;

2-26 (3) whether a term easement is renewable;

2-27 (4) whether the landowner retains limited development

2-28 rights; and

2-29 (5) the purchase price of the easement.

2-30 (c) An agricultural conservation easement may not be

2-31 assigned to or enforced by a third party without the express written

2-32 consent of the landowner.

2-33 Sec. 84.005 [~~183.055~~]. TERMINATION OF EASEMENT. (a) Any

2-34 time after an agricultural conservation easement is acquired with a

2-35 grant awarded under this chapter [~~subchapter~~], the landowner may

2-36 request that the council terminate the easement as provided by

2-37 Subsection (b) on the ground that the landowner is unable to meet

2-38 the conservation goals as described by Section 84.002(1)

2-39 [~~183.052(1)~~]. The termination request must contain a verifiable

2-40 statement of impossibility.

2-41 (b) On receipt of the request for termination, the council

2-42 shall notify the qualified easement holder and conduct an inquiry.

2-43 Not later than the 180th day after the date the council receives the

2-44 request, the council shall notify the parties of the decision to

2-45 grant or deny the request for termination. Either party may appeal

2-46 the decision in district court not later than the 45th day after the

2-47 date of the notification.

2-48 Sec. 84.006 [~~183.056~~]. REPURCHASE BY LANDOWNER. (a) In

2-49 this section:

2-50 (1) "Agricultural value" means the price as of the

2-51 appraisal date a buyer willing, but not obligated, to buy would pay

2-52 for a farm or ranch unit with land comparable in quality and

2-53 composition to the subject property, but located in the nearest

2-54 location where profitable farming or ranching is feasible.

2-55 (2) "Fair market value" means the price as of the

2-56 appraisal date that a buyer willing, but not obligated, to buy would

2-57 pay for the land at its best and most beneficial use under any

2-58 obtainable development zoning category.

2-59 (b) If a request for termination of an agricultural

2-60 conservation easement is granted under Section 84.005 [~~183.055~~],

2-61 the director [~~commissioner~~] shall order an appraisal of the fair

2-62 market value and the agricultural value of the property subject to

2-63 the easement. The landowner shall bear the cost of the appraisal.

2-64 (c) Not later than the 180th day after the date of the

2-65 appraisal under Subsection (b), the landowner must pay to the

2-66 qualified easement holder an amount equal to the difference between

2-67 the fair market value and the agricultural value. The qualified

2-68 easement holder shall pay to the fund any amounts received under

2-69 this subsection, not to exceed the amount paid by the fund for

3-1 purchase of the easement.

3-2 (d) Not later than the 30th day after the date of payment by
3-3 the landowner under Subsection (c), the qualified easement holder
3-4 shall terminate the easement.

3-5 (e) If the request for termination is denied or if the
3-6 landowner fails to make the payment required by Subsection (c) in
3-7 the time required by that subsection, the landowner may not submit
3-8 another request for termination of the easement before the fifth
3-9 anniversary of the date of the last request.

3-10 Sec. 84.007 [~~183.057~~]. PROTECTED LAND; NOTICE OF TAKING.

3-11 (a) A department or agency of this state, a county, a municipality,
3-12 another political subdivision, or a public utility may not approve
3-13 any program or project that requires the use or taking through
3-14 eminent domain of private land encumbered by an agricultural
3-15 conservation easement purchased under this chapter [~~subchapter~~]
3-16 unless the governmental entity or public utility acting through its
3-17 governing body or officers determines that:

3-18 (1) there is no feasible and prudent alternative to
3-19 the use or taking of the land; and

3-20 (2) the program or project includes all reasonable
3-21 planning to minimize harm to the land resulting from the use or
3-22 taking.

3-23 (b) A determination required by Subsection (a) may be made
3-24 only at a properly noticed public hearing.

3-25 (c) The governing body or officers of the governmental
3-26 entity or public utility may consider clearly enunciated local
3-27 preferences, and the provisions of this chapter [~~subchapter~~] do not
3-28 constitute a mandatory prohibition against the use of the area if
3-29 the determinations required by Subsection (a) are made.

3-30 (d) If, after making the determination required by
3-31 Subsection (a), a department or agency of this state, a county, a
3-32 municipality, another political subdivision, or a public utility
3-33 acquires by eminent domain a fee simple interest in land encumbered
3-34 by an agricultural conservation easement purchased under this
3-35 chapter [~~subchapter~~]:

3-36 (1) the easement on the condemned property terminates;
3-37 and

3-38 (2) the entity exercising the power of eminent domain
3-39 shall:

3-40 (A) pay for an appraisal of the fair market
3-41 value, as that term is defined by Section 84.006 [~~183.056~~], of the
3-42 property subject to condemnation;

3-43 (B) pay to the qualified easement holder an
3-44 amount equal to the amount paid by the holder for the portion of the
3-45 easement affecting the property to be condemned;

3-46 (C) pay to the landowner an amount equal to the
3-47 fair market value of the condemned property less the amount paid to
3-48 the qualified easement holder under Paragraph (B); and

3-49 (D) pay to the landowner and the qualified
3-50 easement holder any additional damages to their interests in the
3-51 remaining property, as determined by the special commissioners
3-52 under Section 21.042, Property Code.

3-53 (e) If, after making the determination required by
3-54 Subsection (a), a department or agency of this state, a county, a
3-55 municipality, another political subdivision, or a public utility
3-56 acquires by eminent domain an interest other than a fee simple
3-57 interest in land encumbered by an agricultural conservation
3-58 easement purchased under this chapter [~~subchapter~~]:

3-59 (1) the entity exercising the power of eminent domain
3-60 shall pay for an appraisal of the fair market value, as that term is
3-61 defined by Section 84.006 [~~183.056~~], of the property subject to
3-62 condemnation; and

3-63 (2) the special commissioners shall consider the fair
3-64 market value as the value of the property for purposes of assessing
3-65 damages under Section 21.042, Property Code.

3-66 (f) The qualified easement holder shall pay to the fund any
3-67 amounts received under Subsections (d) and (e), not to exceed the
3-68 amount paid by the fund for the purchase of the easement.

3-69 Sec. 84.008 [~~183.058~~]. TEXAS FARM AND RANCH LANDS

4-1 CONSERVATION FUND. (a) The Texas farm and ranch lands conservation
4-2 fund is an account in the general revenue fund that may be
4-3 appropriated only to the department [~~land office~~] to be used as
4-4 provided by Subsection (b). The fund may not be used for grants to
4-5 purchase or acquire any right or interest in property by eminent
4-6 domain. The fund consists of:
4-7 (1) money appropriated by the legislature to the fund;
4-8 (2) public or private grants, gifts, donations, or
4-9 contributions;
4-10 (3) funds from any other source, including proceeds
4-11 from the sale of bonds, state or federal mitigation funds, or funds
4-12 from any local, state, or federal program;
4-13 (4) proceeds of the sale of real property not required
4-14 for the management of real property under Section 31.065(d),
4-15 Natural Resources Code; and
4-16 (5) proceeds of the sale of real property under
4-17 Section 31.066(d), Natural Resources Code.
4-18 (b) The fund may be used only:
4-19 (1) to award grants to qualified easement holders for
4-20 the purchase of agricultural conservation easements;
4-21 (2) to pay transaction costs related to the purchase
4-22 of agricultural conservation easements, which may include
4-23 reimbursement of appraisal costs; and
4-24 (3) to pay associated administrative costs of the
4-25 department [~~land office~~], not to exceed five percent of the money in
4-26 the fund.
4-27 Sec. 84.009 [~~183.059~~]. ADMINISTRATION OF FUND. (a) The
4-28 council may:
4-29 (1) adopt rules necessary to perform program duties
4-30 under this chapter [~~subchapter~~];
4-31 (2) request, accept, and use gifts, loans, donations,
4-32 aid, appropriations, guaranties, subsidies, grants, or
4-33 contributions of any item of value for the furtherance of any
4-34 purposes of this chapter [~~subchapter~~];
4-35 (3) establish, charge, and collect fees, charges, and
4-36 penalties in connection with the programs, services, and activities
4-37 provided for by this chapter [~~subchapter~~];
4-38 (4) make, enter into, and enforce contracts and
4-39 agreements, and take other actions as may accomplish any of the
4-40 purposes of this chapter [~~subchapter~~];
4-41 (5) seek ways to coordinate and leverage public and
4-42 private sources of funding;
4-43 (6) adopt best practices and enforcement standards for
4-44 the evaluation of easements purchased through grants from the fund;
4-45 (7) establish a protocol for the purchase of
4-46 agricultural conservation easements and for the distribution of
4-47 funds to approved applicants;
4-48 (8) administer grants awarded to successful
4-49 applicants;
4-50 (9) ensure that agricultural conservation easements
4-51 purchased under this chapter [~~subchapter~~] are not inconsistent with
4-52 the preservation of open space and the conservation of wildlife
4-53 habitat or water; and
4-54 (10) approve the termination of easements and take any
4-55 other action necessary to further the goals of the program.
4-56 (b) To receive a grant from the fund under this chapter
4-57 [~~subchapter~~], an applicant who is qualified to be an easement
4-58 holder under this chapter [~~subchapter~~] must submit an application
4-59 to the council. The application must:
4-60 (1) set out the parties' clear conservation goals
4-61 consistent with the program;
4-62 (2) include a site-specific estimate-of-value
4-63 appraisal by a licensed appraiser qualified to determine the market
4-64 value of the easement; and
4-65 (3) include a memorandum of understanding signed by
4-66 the landowner and the applicant indicating intent to sell an
4-67 agricultural conservation easement and containing the terms of the
4-68 contract for the sale of the easement.
4-69 (c) For the purposes of determining the amount of a grant

5-1 under this chapter [~~subchapter~~], the value of an agricultural
5-2 conservation easement shall be determined by a site-specific
5-3 estimate-of-value appraisal performed by a licensed, qualified
5-4 appraiser.

5-5 Sec. 84.010 [~~183.060~~]. CRITERIA FOR AWARDING GRANTS. The
5-6 council shall:

5-7 (1) give priority to applications that protect
5-8 agricultural lands that are susceptible to development, including
5-9 subdivision and fragmentation; and

5-10 (2) adopt a scoring process to be used in evaluating
5-11 applications that considers the following:

5-12 (A) [~~(1)~~] maintenance of landscape and watershed
5-13 integrity to conserve water and natural resources;

5-14 (B) [~~(2)~~] protection of highly productive
5-15 agricultural lands;

5-16 [~~(3)~~] protection of habitats for native plant and
5-17 animal species, including habitats for endangered, threatened,
5-18 rare, or sensitive species;

5-19 (C) [~~(4)~~] susceptibility of the subject property
5-20 to subdivision, fragmentation, or other development;

5-21 [~~(5)~~] potential for leveraging state money allocated
5-22 to the program with additional public or private money;

5-23 (D) [~~(6)~~] proximity of the subject property to
5-24 other protected lands;

5-25 (E) [~~(7)~~] the term of the proposed easement,
5-26 whether perpetual or for a term of 30 years; and

5-27 (F) [~~(8)~~] a resource management plan agreed to by
5-28 both parties and approved by the council.

5-29 Sec. 84.011 [~~183.061~~]. TEXAS FARM AND RANCH LANDS
5-30 CONSERVATION COUNCIL. (a) The Texas Farm and Ranch Lands

5-31 Conservation Council is established to advise and assist the
5-32 director [~~commissioner~~] with administration of the program and to

5-33 select applicants to receive grants under this chapter [~~subchapter~~]
5-34 using the criteria adopted by the council under Section 84.010

5-35 [~~183.060~~]. The council consists of 12 members as follows:
5-36 (1) six members appointed by the governor as follows:

5-37 (A) two members [~~one member~~] who each operate
5-38 [~~operates~~] a family farm or ranch in this state;

5-39 (B) one member who is the designated
5-40 representative of an agricultural banking or lending organization
5-41 and who has significant experience lending for farms and ranches or
5-42 lands encumbered by conservation easements;

5-43 (C) two members who are the designated
5-44 representatives of a statewide agricultural organization in
5-45 existence in this state for not less than 10 years; and

5-46 (D) one member who is a designated representative
5-47 of a statewide nonprofit organization that represents land trusts
5-48 operating in this state; and

5-49 [~~(E) one member from a state institution of~~
5-50 ~~higher education who has significant experience with natural~~
5-51 ~~resources issues; and]~~

5-52 (2) six [~~four~~] ex officio members as follows:

5-53 (A) the executive director of the State Soil and
5-54 Water Conservation Board [~~the commissioner~~];

5-55 (B) the commissioner of agriculture or the
5-56 commissioner's designee;

5-57 (C) the chair of the Texas Water Development
5-58 Board, or the chair's designee [~~presiding officer of the Parks and~~
5-59 ~~Wildlife Commission or the presiding officer's designee~~]; [~~and~~]

5-60 (D) the state conservationist of the Natural
5-61 Resources Conservation Service of the United States Department of
5-62 Agriculture or a designee of that person, who serves as a nonvoting
5-63 member;

5-64 (E) the presiding officer of the commission or
5-65 the presiding officer's designee, who must be a member of the
5-66 commission; and

5-67 (F) the executive director of the Texas A&M
5-68 Institute of Renewable Natural Resources.

5-69 (b) Appointed members of the council serve staggered terms

6-1 of six years, with two of the members' terms expiring February 1 of
6-2 each odd-numbered year.

6-3 (c) Appointments to and removal from the council shall be
6-4 made by the governor without regard to the race, color, disability,
6-5 sex, religion, age, or national origin of the appointees.

6-6 (d) The presiding officer of the commission or the presiding
6-7 officer's [commissioner or the commissioner's] designee shall serve
6-8 as the presiding officer of the council. The presiding officer of
6-9 the commission may appoint, at that person's discretion, the
6-10 executive director of the department or another member of the
6-11 commission to serve as the presiding officer of the council. The
6-12 presiding officer of the council [and] shall designate from among
6-13 the members of the council an assistant presiding officer of the
6-14 council to serve in that capacity at the will of the presiding
6-15 officer of the council [commissioner]. The council may choose from
6-16 its appointed members other officers as the council considers
6-17 necessary.

6-18 (e) A member of the council is not entitled to compensation
6-19 for service on the council but is entitled to reimbursement of the
6-20 necessary and reasonable travel expenses incurred by the member
6-21 while conducting the business of the council, as provided for state
6-22 employees by the General Appropriations Act.

6-23 (f) The council shall meet not less than once each year.

6-24 (g) A person may not be appointed as a council member if the
6-25 person or the person's spouse:

6-26 (1) is employed by or participates in the management
6-27 of a business entity or other organization receiving money under
6-28 the program;

6-29 (2) owns or controls, directly or indirectly, more
6-30 than a 10 percent interest in a business entity or other
6-31 organization receiving money under the program; or

6-32 (3) uses or receives a substantial amount of tangible
6-33 goods, services, or money under the program other than
6-34 reimbursement authorized by law for travel expenses as described by
6-35 Subsection (e).

6-36 (h) In this subsection, "Texas trade association" means a
6-37 cooperative and voluntarily joined statewide association of
6-38 business or professional competitors in this state designed to
6-39 assist its members and its industry or profession in dealing with
6-40 mutual business or professional problems and in promoting their
6-41 common interest. A person may not be an appointed member of the
6-42 council if:

6-43 (1) the person is an officer, employee, or paid
6-44 consultant of a Texas trade association for an occupation or
6-45 profession with an interest in land conservation that is related to
6-46 the occupation or profession; or

6-47 (2) the person's spouse is an officer, manager, or paid
6-48 consultant of a Texas trade association for an occupation or
6-49 profession with an interest in land conservation that is related to
6-50 that occupation or profession.

6-51 (i) A person may not be an appointed member of the council or
6-52 act as the general counsel to the council if the person is required
6-53 to register as a lobbyist under Chapter 305, Government Code,
6-54 because of the person's activities for compensation on behalf of an
6-55 occupation or profession with an interest in land conservation that
6-56 is related to that occupation or profession.

6-57 (j) It is a ground for removal from the council if a member:

6-58 (1) is ineligible for membership under this section;

6-59 (2) cannot, because of illness or disability,
6-60 discharge the member's duties for a substantial part of the member's
6-61 term; or

6-62 (3) is absent from more than half of the regularly
6-63 scheduled council meetings that the member is eligible to attend
6-64 during a calendar year without an excuse approved by a majority vote
6-65 of the council.

6-66 (k) The validity of an action of the council is not affected
6-67 by the fact that it is taken when a ground for removal of a
6-68 participating council member exists.

6-69 (l) If the presiding officer of the council has knowledge

7-1 that a potential ground for removal exists, the presiding officer
7-2 of the council shall notify the director [~~commissioner~~] and the
7-3 governor that a potential ground for removal exists.

7-4 (m) The presiding officer of the council or that person's
7-5 [~~the presiding officer's~~] designee, with the assistance of staff of
7-6 the department [~~land office~~], shall provide to members of the
7-7 council information regarding a member's responsibilities under
7-8 applicable laws relating to standards of conduct for state
7-9 officers.

7-10 (n) A person who is appointed to and qualifies for office as
7-11 a member of the council may not vote, deliberate, or be counted as a
7-12 member in attendance at a meeting of the council until the person
7-13 completes a training program that complies with this section. The
7-14 training program must provide the person with information
7-15 regarding:

- 7-16 (1) the legislation that created the council;
- 7-17 (2) the program to be administered under this chapter
7-18 [~~subchapter~~];
- 7-19 (3) the role and functions of the council;
- 7-20 (4) the rules of the council, with an emphasis on the
7-21 rules that relate to disciplinary and investigatory authority;
- 7-22 (5) the current budget for the council;
- 7-23 (6) the results of the most recent formal audit of the
7-24 council;
- 7-25 (7) the requirements of:
 - 7-26 (A) the open meetings law, Chapter 551,
7-27 Government Code;
 - 7-28 (B) the public information law, Chapter 552,
7-29 Government Code;
 - 7-30 (C) the administrative procedure law, Chapter
7-31 2001, Government Code; and
 - 7-32 (D) other laws relating to public officials,
7-33 including conflict-of-interest laws; and
- 7-34 (8) any applicable policies adopted by the council or
7-35 the Texas Ethics Commission.

7-36 (o) A person appointed to the council is entitled to
7-37 reimbursement, as provided by the General Appropriations Act, for
7-38 the travel expenses incurred in attending the training program
7-39 regardless of whether the attendance at the training program occurs
7-40 before or after the person qualifies for office.

7-41 Sec. 84.012 [~~183.062~~]. EFFECT ON TAX APPRAISAL. An
7-42 agricultural conservation easement under this chapter [~~subchapter~~]
7-43 does not affect the eligibility of the property subject to the
7-44 easement for appraisal for ad valorem tax purposes under Subchapter
7-45 D, Chapter 23, Tax Code.

7-46 Sec. 84.013 [~~183.063~~]. REPORT TO TEXAS DEPARTMENT OF
7-47 TRANSPORTATION. Not later than the 10th day after the date of a
7-48 closing of a purchase of an easement under this chapter
7-49 [~~subchapter~~], the department [~~land office~~] shall provide the Texas
7-50 Department of Transportation a legal description of the property
7-51 subject to the easement and shall include with the description the
7-52 date the closing occurred.

7-53 SECTION 2. Section 31.065(d), Natural Resources Code, is
7-54 amended to read as follows:

7-55 (d) If real property acquired by grant, gift, devise, or
7-56 bequest is not held as part of the permanent school fund or
7-57 possessed, administered, or used by a particular state agency,
7-58 board, commission, department, or other particular state entity,
7-59 the commissioner may manage that real property or sell or exchange
7-60 the real property under terms and conditions the commissioner
7-61 determines to be in the best interest of the state. Real property
7-62 sold under this subsection must be sold in accordance with Section
7-63 31.158. Proceeds of the sale that are not required for the
7-64 management of real property under this subsection shall be
7-65 deposited in the Texas farm and ranch lands conservation fund
7-66 established under Chapter 84, Parks and Wildlife Code [~~183~~]. Real
7-67 property acquired under this subsection may be dedicated by the
7-68 commissioner to any state agency, board, commission, or department,
7-69 a political subdivision or other governmental entity of this state,

8-1 or the federal government, for the benefit and use of the public in
8-2 exchange for nonmonetary consideration, if the commissioner
8-3 determines that the exchange is in the best interest of the state.

8-4 SECTION 3. Section 31.066(d), Natural Resources Code, is
8-5 amended to read as follows:

8-6 (d) The commissioner may sell any title or interest acquired
8-7 by the state under this section in accordance with Section
8-8 31.158. Proceeds of the sale shall be deposited in the Texas farm
8-9 and ranch lands conservation fund established under Chapter 84,
8-10 Parks and Wildlife Code [~~183~~].

8-11 SECTION 4. (a) Not later than November 1, 2015, the
8-12 governor shall make the appointments described by Section 84.011,
8-13 Parks and Wildlife Code, as amended by this Act.

8-14 (b) Not later than November 1, 2015, the General Land Office
8-15 and the Parks and Wildlife Department shall enter into a memorandum
8-16 of understanding relating to the transfer of the administration of
8-17 the Texas Farm and Ranch Lands Conservation Program from the
8-18 General Land Office to the Parks and Wildlife Department. The
8-19 memorandum of understanding must include a timetable and specific
8-20 steps and methods for the transfer on January 1, 2016, of all
8-21 powers, duties, obligations, rights, contracts, leases, records,
8-22 real or personal property, personnel, and unspent and unobligated
8-23 appropriations and other funds relating to the administration of
8-24 the Texas Farm and Ranch Lands Conservation Program from the
8-25 General Land Office to the Parks and Wildlife Department.

8-26 (c) On January 1, 2016, the following are transferred to the
8-27 Parks and Wildlife Department:

8-28 (1) all powers, duties, obligations, and liabilities
8-29 of the General Land Office relating to the administration of the
8-30 Texas Farm and Ranch Lands Conservation Program;

8-31 (2) all unobligated and unexpended funds appropriated
8-32 to the General Land Office designated for the purpose of the
8-33 administration of the Texas Farm and Ranch Lands Conservation
8-34 Program;

8-35 (3) all equipment and property of the General Land
8-36 Office used for the administration of the Texas Farm and Ranch Lands
8-37 Conservation Program;

8-38 (4) all personnel, as described by the memorandum of
8-39 understanding entered into under Subsection (b) of this section;
8-40 and

8-41 (5) all files and other records of the General Land
8-42 Office kept by the office regarding the Texas Farm and Ranch Lands
8-43 Conservation Program.

8-44 (d) Before January 1, 2016, the General Land Office may
8-45 agree with the Parks and Wildlife Department to transfer any
8-46 property of the General Land Office to the Parks and Wildlife
8-47 Department to implement the transfer required by this Act.

8-48 (e) In the period beginning on the effective date of this
8-49 Act and ending on January 1, 2016, the General Land Office shall
8-50 continue to perform functions and activities under Subchapter B,
8-51 Chapter 183, Natural Resources Code, as if that subchapter had not
8-52 been transferred, redesignated, and amended by this Act, and the
8-53 former law is continued in effect for that purpose.

8-54 SECTION 5. This Act takes effect immediately if it receives
8-55 a vote of two-thirds of all the members elected to each house, as
8-56 provided by Section 39, Article III, Texas Constitution. If this
8-57 Act does not receive the vote necessary for immediate effect, this
8-58 Act takes effect September 1, 2015.

8-59 * * * * *