

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1349
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Transportation
4/12/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Motor Vehicles (TxDMV) is currently headquartered in Austin at the Camp Hubbard complex. This complex is owned by the Texas Department of Transportation (TxDOT) and located at the intersection of 35th Street and MoPac Expressway. The TxDMV transition plan that was developed when the legislature created the agency in 2009 recommended maintaining this location until new facilities could be acquired.

Last session's budget authorized the Texas Facilities Commission to issue roughly \$58 million in bonds for land acquisition and construction of a new TxDMV headquarters. However, Governor Abbot vetoed funding for this project. Since then, TxDMV has worked with the Governor's Office, members of the legislature, and TxDOT on a proposal to transfer existing Camp Hubbard property from TxDOT to TxDMV. Before this plan can be implemented, TxDMV must be given statutory authority to own real property.

S.B. 1349 grants TxDMV the authority to own real property and establish a permanent headquarters. This authority would be limited to the Camp Hubbard property, which TxDMV already occupies. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1349 amends current law relating to the authority of the Texas Department of Motor Vehicles over real property, including the transfer of specific property from the Texas Department of Transportation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 2165.007(b), Government Code, as amended by Chapters 247 (S.B. 836) and 932 (H.B. 2206), Acts of the 84th Legislature, Regular Session, 2015, and amends it as follows:

(b) Includes facilities owned or operated by the Texas Department of Motor Vehicles (TxDMV) among certain facilities to which the Texas Facilities Commission's (TFC) duty to provide facilities management services does not apply, notwithstanding any other law.

SECTION 2. Amends Section 2166.003(a), Government Code, to include a project constructed by and for TxDMV among certain projects to which this chapter does not apply, unless otherwise provided.

SECTION 3. Amends Section 2167.001(b), Government Code, to include space for TxDMV among certain spaces to which this chapter does not apply.

SECTION 4. Amends Chapter 1001, Transportation Code, by adding Subchapter F, as follows:

SUBCHAPTER F. AUTHORITY REGARDING REAL PROPERTY

Sec. 1001.201. OWNERSHIP, CONTROL, MAINTENANCE, IMPROVEMENT, AND DISPOSITION OF REAL PROPERTY. (a) Authorizes TxDMV, notwithstanding Chapters 2165 (State Buildings, Grounds, and Property), 2166 (Building Construction and Acquisition and Disposition of Real Property), and 2167 (Lease of Space for State Agencies), Government Code, or any other law, to dispose of real property, including improvements, in certain manners.

(b) Requires the Texas General Land Office (GLO), if requested by TxDMV, to negotiate and close a sale of real property under this section on behalf of TxDMV using procedures under Section 31.158(c) (relating to certain procedures for the sale or lease of state real property), Natural Resources Code, except that GLO is not required to offer the School Land Board the first option to purchase the real property.

(c) Requires that revenue from certain dispositions of real property under this section be deposited to the credit of the TxDMV fund for the use and benefit of TxDMV.

(d) Authorizes the expenses incurred by GLO in conducting a real estate transaction under this section, including the payment of reasonable brokerage fees, to be deducted from the proceeds of the transaction before the proceeds are deposited to the credit of the TxDMV fund.

Sec. 1001.202. CONTRACT AUTHORITY. (a) Authorizes TxDMV, notwithstanding Chapters 2165, 2166, and 2167, Government Code, or any other law, to enter into a contract regarding certain dispositions of real property, including improvements, under this subchapter.

(b) Requires TxDMV to comply with the requirements and processes in Chapters 2165, 2166, and 2167, Government Code, to the extent feasible, except that TxDMV is required to comply with a requirement that expressly applies to a state agency that is exempt from Chapter 2166, Government Code, under Section 2166.003 (Exceptions), Government Code. Authorizes TxDMV, although TxDMV is not required to use the services of TFC, to use the services provided under Sections 2165.056 (Powers in Relation to Other Agency Property), 2166.005 (Commission Participation in Other Building Projects), and 2167.007 (Leasing Services to State Agencies), Government Code.

SECTION 5. (a) Authorizes the Texas Department of Transportation (TxDOT) to transfer all or part of the property described by Subsection (f) of this section to TxDMV.

(b) Authorizes TxDOT to sell any part of the property described by Subsection (f) of this section that is not transferred to TxDMV under Subsection (a) of this section to one or more financial regulatory agencies, as defined by Section 16.001 (Definitions), Finance Code, under terms that are acceptable to the parties.

(c) Provides that Subchapter B (Sale, Exchange, or Return of Highway Property), Chapter 202 (Control of Transportation Assets), Transportation Code, does not apply to a transfer or sale of property under this section of this Act. Requires that any revenue from the sale of property under this section be deposited in the state highway fund.

(d) Requires TxDOT to transfer any property transferred or sold under this section of this Act by an appropriate transfer instrument. Requires that the transfer instrument include a legal description of the property to be transferred.

(e) Provides that any agency to which real property is transferred or sold under this section of this Act is responsible for the recordation of the transfer instrument.

(f) Provides that the real property to which Subsection (a) refers consists of two certain tracts of land and sets forth the boundaries of the tracts.

SECTION 6. Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. Effective date: upon passage or September 1, 2017.