

By: Watson
(Pickett)

S.B. No. 1349

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Motor Vehicles over real property and to the transfer of specific property from the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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, is reenacted and amended to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

(1) a facility owned or operated by an institution of higher education;

(2) military facilities;

(3) facilities owned or operated by the Texas Department of Criminal Justice;

(4) facilities owned or operated by the Texas Juvenile Justice Department;

(5) facilities owned or operated by the Texas Department of Transportation;

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History

1 Museum, any museum located on the Capitol grounds, the Governor's
2 Mansion, and any property maintained by the Texas Historical
3 Commission under Sections 442.0072 and 442.0073;

4 (7) a facility determined by the commission to be
5 completely residential;

6 (8) a regional or field office of a state agency;

7 (9) a facility located within or on state park
8 property;

9 (10) the property known as the Finance Commission
10 Building described by deed recorded in Volume 5080, Page 1099, of
11 the Deed Records of Travis County, Texas;

12 (11) the property known as the Credit Union Department
13 Building described by deed recorded in Volume 6126, Page 27, of the
14 Deed Records of Travis County, Texas; ~~[or]~~

15 (12) the property known as the Texas State Cemetery
16 described as 17.376 acres located at 801 Comal, Lot 5, Division B,
17 City of Austin, Travis County, Texas; or

18 (13) facilities owned or operated by the Texas
19 Department of Motor Vehicles.

20 SECTION 2. Section 2166.003(a), Government Code, is amended
21 to read as follows:

22 (a) Unless otherwise provided, this chapter does not apply
23 to:

24 (1) a project constructed by and for the Texas
25 Department of Transportation;

26 (2) a project constructed by and for a state
27 institution of higher education;

- 1 (3) a pen, shed, or ancillary building constructed by
2 and for the Department of Agriculture for the processing of
3 livestock before export;
- 4 (4) a project constructed by the Parks and Wildlife
5 Department;
- 6 (5) a repair or rehabilitation project, except a major
7 renovation, of buildings and grounds on the commission inventory;
- 8 (6) a repair and rehabilitation project of another
9 using agency, if all labor for the project is provided by the
10 regular maintenance force of the using agency under specific
11 legislative authorization and the project does not require the
12 advance preparation of working plans or drawings;
- 13 (7) a repair and rehabilitation project involving the
14 use of contract labor, if the project has been excluded from this
15 chapter by commission rule and does not require the advance
16 preparation of working plans or drawings;
- 17 (8) an action taken by the Texas Commission on
18 Environmental Quality under Subchapter F or I, Chapter 361, Health
19 and Safety Code;
- 20 (9) a repair, rehabilitation, or construction project
21 on property owned by the Texas Department of Housing and Community
22 Affairs or the Texas State Affordable Housing Corporation;
- 23 (10) a project constructed by and for the Veterans'
24 Land Board; ~~[or]~~
- 25 (11) a project constructed by and for the Texas
26 Historical Commission; or
- 27 (12) a project constructed by and for the Texas

1 Department of Motor Vehicles.

2 SECTION 3. Section 2167.001(b), Government Code, is amended
3 to read as follows:

4 (b) This chapter does not apply to:

5 (1) radio antenna space;

6 (2) residential space for a Texas Department of Mental
7 Health and Mental Retardation program;

8 (3) residential space for a Texas Juvenile Justice
9 Department program;

10 (4) space to be used for less than one month for
11 meetings, conferences, conventions, seminars, displays,
12 examinations, auctions, or similar purposes;

13 (5) district office space for members of the
14 legislature;

15 (6) space used by the Texas Workforce Commission;

16 (7) residential property acquired by the Texas
17 Department of Housing and Community Affairs or the Texas State
18 Affordable Housing Corporation that is offered for sale or rental
19 to individuals and families of low or very low income or families of
20 moderate income;

21 (8) except as provided by Section 2167.007, space for
22 a university system or institution of higher education; ~~or~~

23 (9) space leased by the Texas Veterans Commission to
24 administer the veterans employment services program; or

25 (10) space for the Texas Department of Motor Vehicles.

26 SECTION 4. Chapter 1001, Transportation Code, is amended by
27 adding Subchapter F to read as follows:

1 SUBCHAPTER F. AUTHORITY REGARDING REAL PROPERTY

2 Sec. 1001.201. OWNERSHIP, CONTROL, MAINTENANCE,
3 IMPROVEMENT, AND DISPOSITION OF REAL PROPERTY.

4 (a) Notwithstanding Chapters 2165, 2166, and 2167, Government
5 Code, or any other law, the department may own, control, manage,
6 maintain, improve, lease, pledge, encumber, trade, sell, transfer,
7 and otherwise dispose of real property, including improvements.

8 (b) If requested by the department, the General Land Office
9 shall negotiate and close a sale of real property under this section
10 on behalf of the department using procedures under Section
11 31.158(c), Natural Resources Code, except that the General Land
12 Office is not required to offer the School Land Board the first
13 option to purchase the real property.

14 (c) Revenue from the lease, encumbrance, sale, trade,
15 transfer, or other disposition of real property under this section
16 shall be deposited to the credit of the Texas Department of Motor
17 Vehicles fund for the use and benefit of the department.

18 (d) The expenses incurred by the General Land Office in
19 conducting a real estate transaction under this section, including
20 the payment of reasonable brokerage fees, may be deducted from the
21 proceeds of the transaction before the proceeds are deposited to
22 the credit of the Texas Department of Motor Vehicles fund.

23 Sec. 1001.202. CONTRACT AUTHORITY. (a) Notwithstanding
24 Chapters 2165, 2166, and 2167, Government Code, or any other law,
25 the department may enter into a contract regarding the management,
26 maintenance, design, construction, rehabilitation, repair,
27 renovation, improvement, inspection, lease, pledge, encumbrance,

1 trade, sale, transfer, or other disposition of real property,
2 including improvements, under this subchapter.

3 (b) The department shall comply with the requirements and
4 processes in Chapters 2165, 2166, and 2167, Government Code, to the
5 extent feasible, except that the department shall comply with a
6 requirement that expressly applies to a state agency that is exempt
7 from Chapter 2166, Government Code, under Section 2166.003 of that
8 code. Although the department is not required to use the services
9 of the Texas Facilities Commission, the department may use services
10 provided under Sections 2165.056, 2166.005, and 2167.007,
11 Government Code.

12 SECTION 5. (a) The Texas Department of Transportation may
13 transfer all or part of the property described by Subsection (f) of
14 this section to the Texas Department of Motor Vehicles.

15 (b) The Texas Department of Transportation may sell any part
16 of the property described by Subsection (f) of this section that is
17 not transferred to the Texas Department of Motor Vehicles under
18 Subsection (a) of this section to one or more financial regulatory
19 agencies, as defined by Section 16.001, Finance Code, under terms
20 that are acceptable to the parties.

21 (c) Subchapter B, Chapter 202, Transportation Code, does
22 not apply to a transfer or sale of property under this section of
23 this Act. Any revenue from the sale of property under this section
24 of this Act shall be deposited in the state highway fund.

25 (d) The Texas Department of Transportation must transfer
26 any property transferred or sold under this section of this Act by
27 an appropriate transfer instrument. The transfer instrument must

1 include a legal description of the property to be transferred.

2 (e) Any agency to which real property is transferred or sold
3 under this section of this Act is responsible for the recordation of
4 the transfer instrument.

5 (f) The real property to which Subsection (a) of this
6 section refers consists of the following two tracts of land:

7 TRACT 1

8 BEING A 7.5138 ACRES [327,300 SQUARE FEET] TRACT OF LAND, MORE OR
9 LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR
10 LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF
11 A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN
12 BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS
13 (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE
14 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

15 BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF
16 SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY
17 (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.), HAVING A
18 SURFACE COORDINATE OF NORTH 10,088,522.008, EAST 3,110,296.848;

19 1) THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID
20 STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON
21 STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED
22 "LAMB-STAR TBPLS#10048300" SET IN ASPHALT;

23 2) THENCE NORTH 85°29'55" WEST DEPARTING SAID COMMON LINE
24 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74
25 FEET TO A 3 1/4 INCH ALUMINUM DISC STAMPED "TEXAS DEPT OF
26 TRANSPORTATION" SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF
27 TEXAS TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY

1 (LOOP 1, VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF
2 TEXAS, RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

3 3) THENCE NORTH 03°23'50" EAST ALONG THE WEST LINE OF SAID
4 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC
5 EXPRESSWAY (LOOP 1), A DISTANCE OF 6.95 FEET TO A 4 INCH BRASS DISC
6 STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN
7 CONCRETE;

8 4) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON
9 LINE, A DISTANCE OF 1080.01 FEET TO A 4 INCH BRASS DISC STAMPED
10 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE FOR THE
11 NORTHWEST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING THE SOUTH
12 LINE OF WESTMINSTER MANOR LOT 1, BLOCK A, AN ADDITION TO THE CITY OF
13 AUSTIN, ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NUMBER
14 200600340 D.R.T.C.T., FROM WHICH A 4 INCH BRASS DISC STAMPED "TEXAS
15 DEPARTMENT OF TRANSPORTATION R.O.W." FOUND BEARS NORTH 62°07'46"
16 WEST, A DISTANCE OF 12.91 FEET;

17 5) THENCE SOUTH 62° 23' 09" EAST DEPARTING SAID COMMON LINE
18 AND ALONG THE NORTH LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON
19 SOUTH LINE OF SAID WESTMINSTER MANOR LOT 1, BLOCK A, A DISTANCE OF
20 345.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5138 ACRES
21 [327,300 SQUARE FEET] OF LAND, MORE OR LESS.

22 TRACT 2

23 BEING A 7.5823 ACRES [330,284 SQUARE FEET] TRACT OF LAND, MORE OR
24 LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR
25 LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF
26 A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN
27 BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

1 (D.R.T.C.T.), SAID 7.5823 ACRE TRACT OF LAND BEING MORE
2 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
3 COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF
4 SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY
5 (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.);
6 THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF
7 TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A
8 DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR
9 TBPLS#10048300" SET IN ASPHALT FOR THE POINT OF BEGINNING, HAVING A
10 SURFACE COORDINATE OF NORTH 10,087,573.756, EAST 3,110,221.872;

11 1) THENCE SOUTH 04°31'15" WEST CONTINUING ALONG SAID COMMON
12 LINE, PASSING A 4 INCH BRASS DISC STAMPED "TEXAS HIGHWAY DEPARTMENT
13 R.O.W." FOUND, AT A DISTANCE OF 636.60 FEET, CONTINUING IN ALL A
14 TOTAL DISTANCE OF 1043.34 FEET TO A 4 INCH BRASS DISC STAMPED "TEXAS
15 DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE IN THE NEW
16 NORTH R.O.W. LINE OF WEST 35TH STREET (AVARIABLE WIDTH R.O.W.)
17 DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN VOLUME 6823,
18 PAGE 637 D.R.T.C.T.;

19 2) THENCE NORTH 80°50'24" WEST DEPARTING SAID COMMON LINE
20 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT AND ALONG THE NEW
21 NORTH R.O.W. LINE OF WEST 35TH STREET, A DISTANCE OF 320.77 FEET TO
22 A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION
23 R.O.W." SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF TEXAS
24 TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY (LOOP 1,
25 VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS,
26 RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

27 3) THENCE NORTH 04°01'11" EAST ALONG THE WEST LINE OF SAID

1 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC
2 EXPRESSWAY (LOOP 1), A DISTANCE OF 374.34 FEET TO A 4 INCH BRASS
3 DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN
4 CONCRETE;

5 4) THENCE NORTH 05°50'15" EAST CONTINUING ALONG SAID COMMON
6 LINE, A DISTANCE OF 205.75 FEET TO A 4 INCH BRASS DISC STAMPED
7 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

8 5) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON
9 LINE, A DISTANCE OF 124.25 FEET TO A 4 INCH BRASS DISC STAMPED
10 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

11 6) THENCE NORTH 03°23'50" EAST CONTINUING ALONG SAID COMMON
12 LINE, A DISTANCE OF 313.07 FEET TO A 3 1/4 INCH ALUMINUM DISC
13 STAMPED "TEXAS DEPT OF TRANSPORTATION" SET IN CONCRETE;

14 7) THENCE SOUTH 85° 29' 55" EAST DEPARTING SAID COMMON LINE
15 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74
16 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5823 ACRES [330,284
17 SQUARE FEET] OF LAND, MORE OR LESS.

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

22 SECTION 7. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.