

1-1 By: Watson S.B. No. 1349  
 1-2 (In the Senate - Filed March 6, 2017; March 14, 2017, read  
 1-3 first time and referred to Committee on Transportation;  
 1-4 April 18, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1349 By: Hall

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the authority of the Texas Department of Motor Vehicles  
 1-22 over real property and to the transfer of specific property from the  
 1-23 Texas Department of Transportation.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 2165.007(b), Government Code, as amended  
 1-26 by Chapters 247 (S.B. 836) and 932 (H.B. 2206), Acts of the 84th  
 1-27 Legislature, Regular Session, 2015, is reenacted and amended to  
 1-28 read as follows:

1-29 (b) Notwithstanding any other law, the commission shall  
 1-30 provide facilities management services in relation to all state  
 1-31 agency facilities in Travis County or a county adjacent to Travis  
 1-32 County. The commission's duty does not apply to:

1-33 (1) a facility owned or operated by an institution of  
 1-34 higher education;

1-35 (2) military facilities;

1-36 (3) facilities owned or operated by the Texas  
 1-37 Department of Criminal Justice;

1-38 (4) facilities owned or operated by the Texas Juvenile  
 1-39 Justice Department;

1-40 (5) facilities owned or operated by the Texas  
 1-41 Department of Transportation;

1-42 (6) the Capitol, including the Capitol Extension, the  
 1-43 General Land Office building, the Bob Bullock Texas State History  
 1-44 Museum, any museum located on the Capitol grounds, the Governor's  
 1-45 Mansion, and any property maintained by the Texas Historical  
 1-46 Commission under Sections 442.0072 and 442.0073;

1-47 (7) a facility determined by the commission to be  
 1-48 completely residential;

1-49 (8) a regional or field office of a state agency;

1-50 (9) a facility located within or on state park  
 1-51 property;

1-52 (10) the property known as the Finance Commission  
 1-53 Building described by deed recorded in Volume 5080, Page 1099, of  
 1-54 the Deed Records of Travis County, Texas;

1-55 (11) the property known as the Credit Union Department  
 1-56 Building described by deed recorded in Volume 6126, Page 27, of the  
 1-57 Deed Records of Travis County, Texas; ~~or~~

1-58 (12) the property known as the Texas State Cemetery  
 1-59 described as 17.376 acres located at 801 Comal, Lot 5, Division B,  
 1-60 City of Austin, Travis County, Texas; or

2-1 (13) facilities owned or operated by the Texas  
2-2 Department of Motor Vehicles.

2-3 SECTION 2. Section 2166.003(a), Government Code, is amended  
2-4 to read as follows:

2-5 (a) Unless otherwise provided, this chapter does not apply  
2-6 to:

2-7 (1) a project constructed by and for the Texas  
2-8 Department of Transportation;

2-9 (2) a project constructed by and for a state  
2-10 institution of higher education;

2-11 (3) a pen, shed, or ancillary building constructed by  
2-12 and for the Department of Agriculture for the processing of  
2-13 livestock before export;

2-14 (4) a project constructed by the Parks and Wildlife  
2-15 Department;

2-16 (5) a repair or rehabilitation project, except a major  
2-17 renovation, of buildings and grounds on the commission inventory;

2-18 (6) a repair and rehabilitation project of another  
2-19 using agency, if all labor for the project is provided by the  
2-20 regular maintenance force of the using agency under specific  
2-21 legislative authorization and the project does not require the  
2-22 advance preparation of working plans or drawings;

2-23 (7) a repair and rehabilitation project involving the  
2-24 use of contract labor, if the project has been excluded from this  
2-25 chapter by commission rule and does not require the advance  
2-26 preparation of working plans or drawings;

2-27 (8) an action taken by the Texas Commission on  
2-28 Environmental Quality under Subchapter F or I, Chapter 361, Health  
2-29 and Safety Code;

2-30 (9) a repair, rehabilitation, or construction project  
2-31 on property owned by the Texas Department of Housing and Community  
2-32 Affairs or the Texas State Affordable Housing Corporation;

2-33 (10) a project constructed by and for the Veterans'  
2-34 Land Board; ~~or~~

2-35 (11) a project constructed by and for the Texas  
2-36 Historical Commission; or

2-37 (12) a project constructed by and for the Texas  
2-38 Department of Motor Vehicles.

2-39 SECTION 3. Section 2167.001(b), Government Code, is amended  
2-40 to read as follows:

2-41 (b) This chapter does not apply to:

2-42 (1) radio antenna space;

2-43 (2) residential space for a Texas Department of Mental  
2-44 Health and Mental Retardation program;

2-45 (3) residential space for a Texas Juvenile Justice  
2-46 Department program;

2-47 (4) space to be used for less than one month for  
2-48 meetings, conferences, conventions, seminars, displays,  
2-49 examinations, auctions, or similar purposes;

2-50 (5) district office space for members of the  
2-51 legislature;

2-52 (6) space used by the Texas Workforce Commission;

2-53 (7) residential property acquired by the Texas  
2-54 Department of Housing and Community Affairs or the Texas State  
2-55 Affordable Housing Corporation that is offered for sale or rental  
2-56 to individuals and families of low or very low income or families of  
2-57 moderate income;

2-58 (8) except as provided by Section 2167.007, space for  
2-59 a university system or institution of higher education; ~~or~~

2-60 (9) space leased by the Texas Veterans Commission to  
2-61 administer the veterans employment services program; or

2-62 (10) space for the Texas Department of Motor Vehicles.

2-63 SECTION 4. Chapter 1001, Transportation Code, is amended by  
2-64 adding Subchapter F to read as follows:

2-65 SUBCHAPTER F. AUTHORITY REGARDING REAL PROPERTY

2-66 Sec. 1001.201. OWNERSHIP, CONTROL, MAINTENANCE,  
2-67 IMPROVEMENT, AND DISPOSITION OF REAL PROPERTY.

2-68 (a) Notwithstanding Chapters 2165, 2166, and 2167, Government  
2-69 Code, or any other law, the department may own, control, manage,

3-1 maintain, improve, lease, pledge, encumber, trade, sell, transfer,  
3-2 and otherwise dispose of real property, including improvements.

3-3 (b) If requested by the department, the General Land Office  
3-4 shall negotiate and close a sale of real property under this section  
3-5 on behalf of the department using procedures under Section  
3-6 31.158(c), Natural Resources Code, except that the General Land  
3-7 Office is not required to offer the School Land Board the first  
3-8 option to purchase the real property.

3-9 (c) Revenue from the lease, encumbrance, sale, trade,  
3-10 transfer, or other disposition of real property under this section  
3-11 shall be deposited to the credit of the Texas Department of Motor  
3-12 Vehicles fund for the use and benefit of the department.

3-13 (d) The expenses incurred by the General Land Office in  
3-14 conducting a real estate transaction under this section, including  
3-15 the payment of reasonable brokerage fees, may be deducted from the  
3-16 proceeds of the transaction before the proceeds are deposited to  
3-17 the credit of the Texas Department of Motor Vehicles fund.

3-18 Sec. 1001.202. CONTRACT AUTHORITY. (a) Notwithstanding  
3-19 Chapters 2165, 2166, and 2167, Government Code, or any other law,  
3-20 the department may enter into a contract regarding the management,  
3-21 maintenance, design, construction, rehabilitation, repair,  
3-22 renovation, improvement, inspection, lease, pledge, encumbrance,  
3-23 trade, sale, transfer, or other disposition of real property,  
3-24 including improvements, under this subchapter.

3-25 (b) The department shall comply with the requirements and  
3-26 processes in Chapters 2165, 2166, and 2167, Government Code, to the  
3-27 extent feasible, except that the department shall comply with a  
3-28 requirement that expressly applies to a state agency that is exempt  
3-29 from Chapter 2166, Government Code, under Section 2166.003 of that  
3-30 code. Although the department is not required to use the services  
3-31 of the Texas Facilities Commission, the department may use services  
3-32 provided under Sections 2165.056, 2166.005, and 2167.007,  
3-33 Government Code.

3-34 SECTION 5. (a) The Texas Department of Transportation may  
3-35 transfer all or part of the property described by Subsection (f) of  
3-36 this section to the Texas Department of Motor Vehicles.

3-37 (b) The Texas Department of Transportation may sell any part  
3-38 of the property described by Subsection (f) of this section that is  
3-39 not transferred to the Texas Department of Motor Vehicles under  
3-40 Subsection (a) of this section to one or more financial regulatory  
3-41 agencies, as defined by Section 16.001, Finance Code, under terms  
3-42 that are acceptable to the parties.

3-43 (c) Subchapter B, Chapter 202, Transportation Code, does  
3-44 not apply to a transfer or sale of property under this section of  
3-45 this Act. Any revenue from the sale of property under this section  
3-46 of this Act shall be deposited in the state highway fund.

3-47 (d) The Texas Department of Transportation must transfer  
3-48 any property transferred or sold under this section of this Act by  
3-49 an appropriate transfer instrument. The transfer instrument must  
3-50 include a legal description of the property to be transferred.

3-51 (e) Any agency to which real property is transferred or sold  
3-52 under this section of this Act is responsible for the recordation of  
3-53 the transfer instrument.

3-54 (f) The real property to which Subsection (a) of this  
3-55 section refers consists of the following two tracts of land:

TRACT 1

3-57 BEING A 7.5138 ACRES [327,300 SQUARE FEET] TRACT OF LAND, MORE OR  
3-58 LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR  
3-59 LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF  
3-60 A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN  
3-61 BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS  
3-62 (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE  
3-63 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

3-64 BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF  
3-65 SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY  
3-66 (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.), HAVING A  
3-67 SURFACE COORDINATE OF NORTH 10,088,522.008, EAST 3,110,296.848;

3-68 1) THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID  
3-69 STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON

4-1 STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED  
4-2 "LAMB-STAR TBPLS#10048300" SET IN ASPHALT;  
4-3 2) THENCE NORTH 85°29'55" WEST DEPARTING SAID COMMON LINE  
4-4 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74  
4-5 FEET TO A 3 1/4 INCH ALUMINUM DISC STAMPED "TEXAS DEPT OF  
4-6 TRANSPORTATION" SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF  
4-7 TEXAS TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY  
4-8 (LOOP 1, VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF  
4-9 TEXAS, RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

4-10 3) THENCE NORTH 03°23'50" EAST ALONG THE WEST LINE OF SAID  
4-11 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC  
4-12 EXPRESSWAY (LOOP 1), A DISTANCE OF 6.95 FEET TO A 4 INCH BRASS DISC  
4-13 STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN  
4-14 CONCRETE;

4-15 4) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON  
4-16 LINE, A DISTANCE OF 1080.01 FEET TO A 4 INCH BRASS DISC STAMPED  
4-17 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE FOR THE  
4-18 NORTHWEST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING THE SOUTH  
4-19 LINE OF WESTMINSTER MANOR LOT 1, BLOCK A, AN ADDITION TO THE CITY OF  
4-20 AUSTIN, ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NUMBER  
4-21 200600340 D.R.T.C.T., FROM WHICH A 4 INCH BRASS DISC STAMPED "TEXAS  
4-22 DEPARTMENT OF TRANSPORTATION R.O.W." FOUND BEARS NORTH 62°07'46"  
4-23 WEST, A DISTANCE OF 12.91 FEET;

4-24 5) THENCE SOUTH 62° 23' 09" EAST DEPARTING SAID COMMON LINE  
4-25 AND ALONG THE NORTH LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON  
4-26 SOUTH LINE OF SAID WESTMINSTER MANOR LOT 1, BLOCK A, A DISTANCE OF  
4-27 345.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5138 ACRES  
4-28 [327,300 SQUARE FEET] OF LAND, MORE OR LESS.

4-29 TRACT 2

4-30 BEING A 7.5823 ACRES [330,284 SQUARE FEET] TRACT OF LAND, MORE OR  
4-31 LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR  
4-32 LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF  
4-33 A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN  
4-34 BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS  
4-35 (D.R.T.C.T.), SAID 7.5823 ACRE TRACT OF LAND BEING MORE  
4-36 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
4-37 COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF  
4-38 SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY  
4-39 (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.);  
4-40 THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF  
4-41 TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A  
4-42 DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR  
4-43 TBPLS#10048300" SET IN ASPHALT FOR THE POINT OF BEGINNING, HAVING A  
4-44 SURFACE COORDINATE OF NORTH 10,087,573.756, EAST 3,110,221.872;

4-45 1) THENCE SOUTH 04°31'15" WEST CONTINUING ALONG SAID COMMON  
4-46 LINE, PASSING A 4 INCH BRASS DISC STAMPED "TEXAS HIGHWAY DEPARTMENT  
4-47 R.O.W." FOUND, AT A DISTANCE OF 636.60 FEET, CONTINUING IN ALL A  
4-48 TOTAL DISTANCE OF 1043.34 FEET TO A 4 INCH BRASS DISC STAMPED "TEXAS  
4-49 DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE IN THE NEW  
4-50 NORTH R.O.W. LINE OF WEST 35TH STREET (A VARIABLE WIDTH R.O.W.)  
4-51 DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN VOLUME 6823,  
4-52 PAGE 637 D.R.T.C.T.;

4-53 2) THENCE NORTH 80°50'24" WEST DEPARTING SAID COMMON LINE  
4-54 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT AND ALONG THE NEW  
4-55 NORTH R.O.W. LINE OF WEST 35TH STREET, A DISTANCE OF 320.77 FEET TO  
4-56 A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION  
4-57 R.O.W." SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF TEXAS  
4-58 TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY (LOOP 1,  
4-59 VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS,  
4-60 RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

4-61 3) THENCE NORTH 04°01'11" EAST ALONG THE WEST LINE OF SAID  
4-62 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC  
4-63 EXPRESSWAY (LOOP 1), A DISTANCE OF 374.34 FEET TO A 4 INCH BRASS  
4-64 DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN  
4-65 CONCRETE;

4-66 4) THENCE NORTH 05°50'15" EAST CONTINUING ALONG SAID COMMON  
4-67 LINE, A DISTANCE OF 205.75 FEET TO A 4 INCH BRASS DISC STAMPED  
4-68 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

4-69 5) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON

5-1 LINE, A DISTANCE OF 124.25 FEET TO A 4 INCH BRASS DISC STAMPED  
5-2 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

5-3 6) THENCE NORTH 03°23'50" EAST CONTINUING ALONG SAID COMMON  
5-4 LINE, A DISTANCE OF 313.07 FEET TO A 3 1/4 INCH ALUMINUM DISC  
5-5 STAMPED "TEXAS DEPT OF TRANSPORTATION" SET IN CONCRETE;

5-6 7) THENCE SOUTH 85° 29' 55" EAST DEPARTING SAID COMMON LINE  
5-7 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74  
5-8 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5823 ACRES [330,284  
5-9 SQUARE FEET] OF LAND, MORE OR LESS.

5-10 SECTION 6. To the extent of any conflict, this Act prevails  
5-11 over another Act of the 85th Legislature, Regular Session, 2017,  
5-12 relating to nonsubstantive additions to and corrections in enacted  
5-13 codes.

5-14 SECTION 7. This Act takes effect immediately if it receives  
5-15 a vote of two-thirds of all the members elected to each house, as  
5-16 provided by Section 39, Article III, Texas Constitution. If this  
5-17 Act does not receive the vote necessary for immediate effect, this  
5-18 Act takes effect September 1, 2017.

5-19

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