

## **BILL ANALYSIS**

C.S.H.B. 3689  
By: Pickett  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties call for the authorization for the Texas Department of Motor Vehicles (TxDMV) to own, control, and perform other related tasks with regard to real property, including improvements. C.S.H.B. 3689 seeks to optimize TxDMV operations by providing for that authorization and for the transfer of certain real property to TxDMV.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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.H.B. 3689 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to own, control, manage, maintain, improve, lease, pledge, encumber, trade, sell, transfer, and otherwise dispose of real property, including improvements. The bill requires the General Land Office (GLO), if requested by TxDMV, to negotiate and close a sale of real property on behalf of TxDMV using procedures for real estate transactions authorized by the legislature except that the GLO is not required to offer the School Land Board the first option to purchase the real property. The bill requires revenue from the disposition of the real property to be deposited to the credit of the TxDMV fund for the use and benefit of TxDMV. The bill authorizes the expenses incurred by the GLO in conducting such a real estate transaction, 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. The bill authorizes TxDMV to enter into a contract regarding disposition of real property, including improvements. The bill requires TxDMV, to the extent feasible, to comply with requirements and processes of certain statutory provisions relating to state real property and lease of certain property except that TxDMV is required to comply with a requirement that expressly applies to a state agency that is exempt from statutory provisions governing building construction and acquisition and disposition of real property. The bill authorizes TxDMV to use certain services of the Texas Facilities Commission (TFC) relating to powers of the TFC in relation to other agency property, to the TFC's participation in other building projects, and to the TFC's authority to lease space for state agencies, but the bill expressly does not require TxDMV to use such TFC services.

C.S.H.B. 3689 amends the Government Code to make conforming changes.

C.S.H.B. 3689 provides for a Texas Department of Transportation (TxDOT) transfer of real

property specified by the bill to TxDMV, provides for a TxDOT sale of such property, and makes any agency to which real property is transferred or sold responsible for the recordation of the transfer instrument.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3689 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

**HOUSE COMMITTEE SUBSTITUTE**

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.

SECTION 1. Same as introduced version.

SECTION 2. Section 2166.003(a), Government Code, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Section 2167.001(b), Government Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Chapter 1001, Transportation Code, is amended.

SECTION 4. Same as introduced version.

SECTION 5. (a) The Texas Department of Transportation may donate and transfer all or part of the property described by Subsection (e) of this section to the Texas Department of Motor Vehicles.

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

(b) The Texas Department of Motor Vehicles may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the Texas Department of Motor Vehicles uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically reverts to the Texas Department of Transportation.

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

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

(c) The Texas Department of Transportation must transfer any property under Subsection (a) of this section by an appropriate transfer instrument. The transfer instrument must include:

(1) a provision that:

(A) requires the Texas Department of Motor Vehicles to use the property for a purpose that benefits the public interest of the state; and

(B) indicates that ownership of the property automatically reverts to the Texas Department of Transportation if the Texas Department of Motor Vehicles no longer uses the property for a purpose that benefits the public interest of the state; and

(2) a legal description of the property to be transferred.

(d) The Texas Department of Motor Vehicles is responsible for the recordation of the transfer instrument.

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

TRACT 1

BEING A 7.5138 ACRES [327,300 SQUARE FEET] TRACT OF LAND, MORE OR LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.), HAVING A SURFACE COORDINATE OF NORTH 10,088,522.008, EAST 3,110,296.848;

1) THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT AND THE

fund.

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

a legal description of the property to be transferred.

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

TRACT 1

BEING A 7.5138 ACRES [327,300 SQUARE FEET] TRACT OF LAND, MORE OR LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.), HAVING A SURFACE COORDINATE OF NORTH 10,088,522.008, EAST 3,110,296.848;

1) THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT AND THE

COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR TBPLS#10048300" SET IN ASPHALT;

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

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

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

5) THENCE SOUTH 62° 23' 09" EAST DEPARTING SAID COMMON LINE AND ALONG THE NORTH LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON SOUTH LINE OF SAID WESTMINSTER MANOR LOT 1, BLOCK

COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR TBPLS#10048300" SET IN ASPHALT;

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

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

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

5) THENCE SOUTH 62° 23' 09" EAST DEPARTING SAID COMMON LINE AND ALONG THE NORTH LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON SOUTH LINE OF SAID WESTMINSTER MANOR LOT 1, BLOCK

A, A DISTANCE OF 345.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5138 ACRES [327,300 SQUARE FEET] OF LAND, MORE OR LESS.

TRACT 2

BEING A 7.5823 ACRES [330,284 SQUARE FEET] TRACT OF LAND, MORE OR LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.);

THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR TBPLS#10048300" SET IN ASPHALT FOR THE POINT OF BEGINNING, HAVING A SURFACE COORDINATE OF NORTH 10,087,573.756, EAST 3,110,221.872;

1) THENCE SOUTH 04°31'15" WEST CONTINUING ALONG SAID COMMON LINE, PASSING A 4 INCH BRASS DISC STAMPED "TEXAS HIGHWAY DEPARTMENT R.O.W." FOUND, AT A DISTANCE OF 636.60 FEET, CONTINUING IN ALL A TOTAL DISTANCE OF 1043.34 FEET TO A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE IN THE NEW NORTH R.O.W. LINE OF WEST 35TH STREET (AVARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN

A, A DISTANCE OF 345.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5138 ACRES [327,300 SQUARE FEET] OF LAND, MORE OR LESS.

TRACT 2

BEING A 7.5823 ACRES [330,284 SQUARE FEET] TRACT OF LAND, MORE OR LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 7.5823 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.);

THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR TBPLS#10048300" SET IN ASPHALT FOR THE POINT OF BEGINNING, HAVING A SURFACE COORDINATE OF NORTH 10,087,573.756, EAST 3,110,221.872;

1) THENCE SOUTH 04°31'15" WEST CONTINUING ALONG SAID COMMON LINE, PASSING A 4 INCH BRASS DISC STAMPED "TEXAS HIGHWAY DEPARTMENT R.O.W." FOUND, AT A DISTANCE OF 636.60 FEET, CONTINUING IN ALL A TOTAL DISTANCE OF 1043.34 FEET TO A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE IN THE NEW NORTH R.O.W. LINE OF WEST 35TH STREET (AVARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN

VOLUME 6823, PAGE 637 D.R.T.C.T.;

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

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

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

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

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

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

VOLUME 6823, PAGE 637 D.R.T.C.T.;

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

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

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

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

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

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

LAND, MORE OR LESS.

SECTION 6. 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

LAND, MORE OR LESS.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.