

BILL ANALYSIS

C.S.H.B. 2128
By: Chisum
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As part of Childress County's economic development plan, the county purchased a building from TXDOT for the purpose of renovating it for DPS. DPS then moved out of their old building and wanted to transfer their old building to the county. DPS has found that Childress County would be better served to use the aforementioned property and associated structures in such a way that it would benefit the citizenry. Legislation is needed to allow DPS to transfer this property to Childress County.

The purpose of C.S.H.B. 2128 is to give the Texas Department of Public Safety (DPS) the authority to transfer certain real property located on U.S. Highway 287 East, Childress County, TX from DPS to Childress County. The property is described as Block Number Four (4) of the East View Addition to the City of Childress. The county is required to use the property only for a purpose that benefits the public interest of the state. If the county fails to use the property as it has been designated, the property will be returned to the Department of Public Safety.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2128 allows the Texas Department of Public Safety (DPS) to donate and transfer to Childress County a piece of property. The county is permitted to use the property only for a purpose that benefits the public interest of the state. If the county uses the property for any purpose other than for the benefit of the state, the ownership of the property will revert to DPS. DPS may transfer the property by an appropriate instrument of transfer describing the property to be transferred by metes and bounds. DPS will retain the instrument of transfer after it is filed in the real property records of Childress County. The real property referred to is located on U.S. Highway 287 East, Childress County, Texas, and is described as follows: all of Block Number Four (4), of the East View Addition to the City of Childress, Texas, according to the recorded map and plat of said addition of record at the Plat Records of Childress County.

C.S.H.B. 2128 provides that, notwithstanding the property transfer, DPS may access, use, and maintain the radio tower and associated equipment and building, and provides that Childress County is required to pay any transaction fees resulting from the transfer of property.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2128 adds a provision that authorizes the Texas Department of Public Safety (DPS) to access, use, and maintain the radio tower and associated transmitter, generator, and equipment building located on the property that DPS is donating to Childress County. C.S.H.B. 2128 also stipulates that Childress

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