

BILL ANALYSIS

H.B. 4438
By: Kolkhorst
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1988, the Texas Forest Service and the Texas Department of Criminal Justice (TDCJ) entered into a 20-year lease agreement for 2.195 acres of land in the City of Huntsville to be used by the forest service as the location for a regional office. The forest service and TDCJ agreed to nominal consideration as payment for the lease.

Due to statutory changes requiring TDCJ to lease property for fair market value, a lease renewal would require a substantial increase in lease payments, thus making the lease financially unfeasible for the forest service. TDCJ has agreed to transfer the property to the forest service for its continued use as the location for the regional forest service office. Transfer of property from TDCJ must be approved by the Texas Legislature.

H.B. 4438 provides for the transfer of 2.195 acres of land in the City of Huntsville from the Texas Department of Criminal Justice to the Texas Forest Service.

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

H.B. 4438 requires the Texas Department of Criminal Justice (TDCJ) to transfer to the Texas Forest Service the real property specified in the bill not later than the 30th day after the effective date of the bill. The bill requires the forest service to use the property for a purpose that benefits the public interest of the state, and if the forest service uses the property for any other purpose, ownership of the property automatically reverts to TDCJ.

H.B. 4438 requires TDCJ to transfer the property to the forest service by an appropriate instrument of transfer that is required to provide that the Texas Forest Service use the property only for a purpose that benefits the public interest in the state, provide that ownership of the property will automatically revert to TDCJ if the forest service uses the property for any purpose other than a purpose that benefits the public interest of Texas, and describe the property to be transferred by metes and bounds. The bill requires TDCJ to retain custody of the instrument of transfer after the instrument is filed in the real property records of Walker County.

H.B. 4438 describes the area and boundaries of the property to be transferred from TDCJ to the forest service.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.