

BILL ANALYSIS

C.S.H.B. 4541
By: Raymond
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Webb County entered into a five-year lease with the State of Texas for the use of the Department of Public Safety (DPS) building located at 8400 N. IH-35 in August 2000 for a nominal fee of \$1 per year. At the expiration of the five-year lease, DPS moved into its new facility and Webb County continued to use the building to house a justice of the peace courtroom on a month-to-month tenancy. The Precinct 4 judge that operates out of the DPS building handles DPS enforcement cases. The court's jurisdiction covers IH-35, the World Trade Bridge, and the Columbia Bridge. Since moving into the building, Webb County has invested approximately \$400,000 in remodeling and updating the space. The transfer of this property for the continued use by Webb County is in the mutual interest of both the county and the state.

C.S.H.B. 4541 requires the Department of Public Safety (DPS), not later than May 1, 2010, to transfer to Webb County certain specified tracts of land.

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. 4541 requires the Department of Public Safety (DPS), not later than May 1, 2010, to transfer to Webb County certain tracts of land specified by the bill. The bill requires Webb County to use the property transferred only for a purpose that benefits the public interest of Texas. The bill specifies that if Webb County uses the property for any other purpose, ownership of the property automatically reverts to DPS. The bill requires DPS to transfer the property by an appropriate instrument of transfer and requires the instrument to provide that Webb County use the property only for a purpose that benefits the public interest of Texas and that ownership of the property will automatically revert to DPS if Webb County uses the property for any other purpose. The bill requires the instrument of transfer to describe the property to be transferred by metes and bounds. The bill requires DPS to retain custody of the instrument of transfer after the instrument is filed in the real property records of Webb County.

C.S.H.B. 4541 requires Webb County, before the transfer of the real property to obtain, at Webb County's expense, a survey of the metes and bounds description for the transfer instrument.

C.S.H.B. 4541 sets forth the metes and bounds of the tracts of land to be transferred to Webb County.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4541 differs from the original by requiring the Department of Public Safety (DPS) to transfer to Webb County real property described by certain metes and bounds, whereas the original requires DPS to transfer to the county certain surface interests in the real property, including any improvements affixed to the property, described in the transfer instrument filed of record in the Real Property Records of Webb County, Texas and by making changes conforming to that difference. The substitute adds provisions not in the original describing the metes and bounds of the property tracts to be transferred. The substitute omits provisions included in the original requiring consideration for the property transfer to be in the form of an agreement between the parties and requiring Webb County to execute the appropriate transfer instrument to transfer the property back to the state for the use and benefit of DPS if the county no longer uses the property for a purpose that benefits the public interest of Texas. The substitute omits provisions included in the original providing that state law regarding real estate transactions authorized by the legislature does not apply to the property transfer to Webb County and specifying that DPS, on behalf of the state, will sign an instrument to convey the property to the county.