

BILL ANALYSIS

C.S.H.B. 2518
By: Kolkhorst
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Forest Service and the Texas Department of Criminal Justice (TDCJ) entered into a lease agreement a number of years ago for a number of 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 lease payment conditions, but due to statutory changes requiring TDCJ to lease property for fair market value, a lease renewal would require a substantial increase in lease payments and make 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. C.S.H.B. 2518 seeks to address this issue by establishing provisions relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of 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

C.S.H.B. 2518 requires the Texas Board of Criminal Justice, not later than January 1, 2012, to transfer to the board of regents of The Texas A&M University System the real property described by the bill as being more or less situated in the city of Huntsville. The bill requires the board of regents to use the transferred property only for the use and benefit of the Texas Forest Service and automatically reverts ownership of the property to the Texas Board of Criminal Justice if the board of regents uses the property for any other purpose.

C.S.H.B. 2518 requires the Texas Board of Criminal Justice to transfer the property by an appropriate instrument of transfer and sets forth requirements for the instrument based on the required use of the property. The bill requires the instrument to describe the property to be transferred by metes and bounds and sets out those metes and bounds. The bill requires the board of regents to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Walker County.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2518 differs from the original by requiring the Texas Board of Criminal Justice, not later than January 1, 2012, to transfer to the board of regents of The Texas A&M University System the real property described by the bill only for the use and benefit of the Texas Forest Service, whereas the original requires the Texas Department of Criminal Justice, not later than the 30th day after the bill's effective date, to transfer to the Texas Forest Service the real property described by the bill only for a purpose that benefits the public interest of the state.

C.S.H.B. 2518 differs from the original by requiring the board of regents of The Texas A&M University System, as the recipient of the property, to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Walker County, whereas the original requires the Texas Department of Criminal Justice, as the entity transferring the property, to retain such custody.

C.S.H.B. 2518 differs from the original in the description of the real property to be transferred.