

By: Flynn, Guillen

H.B. No. 282

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an analysis by the adjutant general of facility needs of
3 state military forces before grants or conveyances of real
4 property.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 431.0301(c), Government Code, is amended
7 to read as follows:

8 (c) The adjutant general may:

9 (1) hold, manage, or maintain the property;

10 (2) after the analysis required under Section
11 431.0308, if applicable, lease~~[r]~~ or sell the property; and

12 (3) [may] ~~may~~ pledge all or part of the rents, issues, and
13 profits of the property.

14 SECTION 2. Section 431.0303(a), Government Code, is amended
15 to read as follows:

16 (a) After the analysis required under Section 431.0308, if
17 applicable, the ~~The~~ adjutant general may lease property to any
18 person under terms the adjutant general determines.

19 SECTION 3. Section 431.0305(a), Government Code, is amended
20 to read as follows:

21 (a) When property that the adjutant general owns or that is
22 transferred to the state under Section 431.0304 is fully paid for
23 and free of liens, and all obligations incurred in connection with
24 the acquisition and construction of the property have been fully

1 paid, the adjutant general may, after conducting the analysis
2 required under Section 431.0308, if applicable, properly dispose of
3 the property if:

4 (1) the property is designated by the adjutant general
5 as surplus; and

6 (2) the disposal is in the best interests of the
7 adjutant general and the state military forces and its components
8 or successors.

9 SECTION 4. Subchapter B, Chapter 431, Government Code, is
10 amended by adding Section 431.0308 to read as follows:

11 Sec. 431.0308. ANALYSIS OF FACILITY SPACE BEFORE REAL
12 PROPERTY GRANT OR CONVEYANCE. Before granting or conveying an
13 interest in real property under this subchapter, the adjutant
14 general must conduct an analysis evaluating whether each unit of
15 the state military forces has adequate facility space to ensure
16 that ongoing operations are maintained.

17 SECTION 5. The changes in law made by this Act apply only to
18 a grant or conveyance of an interest in real property that occurs on
19 or after the effective date of this Act. For the purposes of this
20 section, a grant or conveyance of an interest in real property
21 occurs before the effective date of this Act if the adjutant general
22 is bound by contract before that date to make the grant or
23 conveyance.

24 SECTION 6. This Act takes effect September 1, 2011.