

1-1 By: Flynn, Guillen (Senate Sponsor - Van de Putte) H.B. No. 282
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Veteran Affairs and Military Installations; May 12, 2011, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 12, 2011,
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to an analysis by the adjutant general of facility needs of
1-10 state military forces before grants or conveyances of real
1-11 property.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 431.0301(c), Government Code, is amended
1-14 to read as follows:

1-15 (c) The adjutant general may:

1-16 (1) hold, manage, or maintain the property;

1-17 (2) after the analysis required under Section
1-18 431.0308, if applicable, lease~~[r]~~ or sell the property; and

1-19 (3) ~~[may]~~ pledge all or part of the rents, issues, and
1-20 profits of the property.

1-21 SECTION 2. Section 431.0303(a), Government Code, is amended
1-22 to read as follows:

1-23 (a) After the analysis required under Section 431.0308, if
1-24 applicable, the ~~The~~ adjutant general may lease property to any
1-25 person under terms the adjutant general determines.

1-26 SECTION 3. Section 431.0305(a), Government Code, is amended
1-27 to read as follows:

1-28 (a) When property that the adjutant general owns or that is
1-29 transferred to the state under Section 431.0304 is fully paid for
1-30 and free of liens, and all obligations incurred in connection with
1-31 the acquisition and construction of the property have been fully
1-32 paid, the adjutant general may, after conducting the analysis
1-33 required under Section 431.0308, if applicable, properly dispose of
1-34 the property if:

1-35 (1) the property is designated by the adjutant general
1-36 as surplus; and

1-37 (2) the disposal is in the best interests of the
1-38 adjutant general and the state military forces and its components
1-39 or successors.

1-40 SECTION 4. Subchapter B, Chapter 431, Government Code, is
1-41 amended by adding Section 431.0308 to read as follows:

1-42 Sec. 431.0308. ANALYSIS OF FACILITY SPACE BEFORE REAL
1-43 PROPERTY GRANT OR CONVEYANCE. Before granting or conveying an
1-44 interest in real property under this subchapter, the adjutant
1-45 general must conduct an analysis evaluating whether each unit of
1-46 the state military forces has adequate facility space to ensure
1-47 that ongoing operations are maintained.

1-48 SECTION 5. The changes in law made by this Act apply only to
1-49 a grant or conveyance of an interest in real property that occurs on
1-50 or after the effective date of this Act. For the purposes of this
1-51 section, a grant or conveyance of an interest in real property
1-52 occurs before the effective date of this Act if the adjutant general
1-53 is bound by contract before that date to make the grant or
1-54 conveyance.

1-55 SECTION 6. This Act takes effect September 1, 2011.

1-56 * * * * *