

BILL ANALYSIS

C.S.H.B. 2724

By: Otto

Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Sam Houston State University (SHSU) and the Texas Department of Criminal Justice (TDCJ) have a long history of working together in the area of criminal justice studies. The Law Enforcement Management Institute of Texas, the Correctional Management Institute of Texas, and training staff and classrooms for TDCJ correctional officers are all currently located on the SHSU campus. According to interested parties, recent growth of the university has made it difficult to provide educational space for university students and faculty while continuing to house these criminal justice programs. These same space constraints also limit the university's opportunities to grow and expand programs supporting TDCJ on the main campus. Both SHSU and TDCJ have been reviewing opportunities for relocating these programs off the main campus to allow the university to grow while further enhancing the programs, services, and training provided to TDCJ.

C.S.H.B. 2724 seeks to provide for the transfer of certain property from TDCJ to the university to enable the two institutions to continue their long partnership in support of criminal justice studies and training.

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. 2724 requires the Texas Board of Criminal Justice not later than January 1, 2014, to donate and transfer certain real property to the board of regents of the Texas State University System for use by Sam Houston State University. The bill requires the Texas Board of Criminal Justice to convey the property by a deed without warranty regarding covenants of title. The bill requires the deed to include a provision that requires the university to use the property primarily for a purpose that benefits the public interest of the state and that indicates that ownership of the property will automatically revert to the Texas Board of Criminal Justice if the university fails to use the property primarily for such a purpose. The bill requires the Texas Board of Criminal Justice to retain custody of the deed after the deed is filed in the real property records of Walker County. The bill describes in detail the real property to be transferred.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2724 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Not later than January 1, 2014 the Texas Board of Criminal Justice shall convey to the Board of Regents at the Texas State University System for use by Sam Houston State University the real property described by Subsection (e) of this section.

(b) The Texas Board of Criminal Justice shall convey the property by deed without warranty regarding covenants of title.

(c) The deed must include a provision that:

(1) Requires Sam Houston State University to use the property primarily for a governmental purpose; and

(2) indicates that title to the property will automatically revert to the Texas Board of Criminal Justice if Sam Houston State University fails to use the property primarily for a governmental purpose.

(d) The Texas Board of Criminal Justice shall retain custody of the deed after the deed is filed in the real property records of Walker County.

City of Huntsville, P. GRAY SURVEY, Abstract No. 24, Walker County, Texas and being out of and a part of a called 515 acre tract as described in a Deed from Ed H. Cunningham, et al to the State of Texas, dated July 10, 1883 and recorded in Volume Y, Page 181, Deed Records, said 78.823 acre tract being more definitely described as follows:

BEGINNING at the northeast corner of a called 5.00 acre tract, out of said 515 acre tract, as described in a Deed from the Texas Board of Criminal Justice, on behalf of the Texas Department of Criminal Justice, to the County of Walker (Veteran's Complex), dated October 29, 2003 and recorded in Volume 595, Page 210, Official Records, found a 5/8" iron rod with a plastic cap in the south right-of-way of State Highway 75, being a 50 foot strip (called 3.78 acres) conveyed to the State of Texas in Volume 209, Page 707, Deed Records, said iron rod having coordinates of N:10263383.58, E:3788833.74 and being the most northerly

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. (a) Not later than January 1, 2014, the Texas Board of Criminal Justice shall donate and transfer the real property described by Subsection (e) of this section to the board of regents of the Texas State University System for use by Sam Houston State University.

(b) The Texas Board of Criminal Justice shall convey the property by a deed without warranty regarding covenants of title.

(c) The deed must include a provision that:

(1) requires Sam Houston State University to use the property primarily for a purpose that benefits the public interest of the state; and

(2) indicates that ownership of the property will automatically revert to the Texas Board of Criminal Justice if Sam Houston State University fails to use the property primarily for a purpose that benefits the public interest of the state.

(d) The Texas Board of Criminal Justice shall retain custody of the deed after the deed is filed in the real property records of Walker County.

(e) The real property referred to in this section is described as follows:

Being 78.823 acres of land, more or less, situated in the City of Huntsville, P. GRAY SURVEY, Abstract No. 24, Walker County, Texas and being out of and a part of a called 515 acre tract as described in a Deed from Ed H. Cunningham, et al to the State of Texas, dated July 10, 1883 and recorded in Volume Y, Page 181, Deed Records, said 78.823 acre tract being more definitely described as follows:

BEGINNING at the northeast corner of a called 5.00 acre tract, out of said 515 acre tract, as described in a Deed from the Texas Board of Criminal Justice, on behalf of the Texas Department of Criminal Justice, to the County of Walker (Veteran's Complex), dated October 29, 2003 and recorded in Volume 595, Page 210, Official Records, found a 5/8" iron rod with a plastic cap in the south right-of-way of State Highway 75, being a 50 foot strip (called 3.78 acres) conveyed to the State of Texas in Volume 209, Page 707, Deed Records, said iron rod having coordinates of N:10263383.58, E:3788833.74 and being the most northerly

northwest corner of the herein described tract;

THENCE S83°08'57"E, with the south right-of-way of said S.H. 75, for a distance of 1245.10 feet to a called angle point of said 3.78 acre tract (TxDOT Station 79+76.59), set a 5/8" iron rod, with a plastic cap;

THENCE N70°17'06"E, continuing with the south right-of-way of said S.H. 75 for a distance of 95.23 feet to its dated February 19, 1966 and recorded in Volume 198, Page 501, Deed Records, set a 5/8" iron rod with a plastic cap for the northeast corner of the herein described tract, from which a 5" square concrete monument, found for the northeast corner of said 515 acre tract, bears N02°32'37"W- 551.88 feet;

THENCE S02°32'37"E, with the east line of said 515 acre tract and the called west line of said Heaton tract, at 660.0 pass the apparent southwest corner of said Heaton tract, continuing for a total distance of 2649.68 feet to its intersection with the northeast right-of-way of Interstate Highway No. 45, as described in "Tract No. 1 (called 55.13 acres)" in a Right of Way Deed from the Texas Prison Board to the Texas State Highway Commission, dated July 19, 1957 and recorded in Volume 158, Page 177, Deed Records, set a 5/8" iron rod with a plastic cap at a fence corner post for the southeast corner of the herein described tract, from said iron rod a 5" square concrete monument, found for the southeast corner of said 515 acre tract, bears S02°32'37"E- 2574.60 feet;

THENCE, with the northeast lines of said I.H. 45, as presently monumented, the following calls:

- 1). N47°43'50"W- 1972.52 feet to a found TxDOT concrete monument;
- 2). N49°39'48"W- 259.16 feet to a found TxDOT concrete monument;

and 5). N55°10'12"W, at 356.2 feet pass a point in a creek for the south corner of a

northwest corner of the herein described tract;

THENCE S83°08'57"E, with the south right-of-way of said S.H. 75, for a distance of 1245.10 feet to a called angle point of said 3.78 acre tract (TxDOT Station 79+76.59), set a 5/8" iron rod, with a plastic cap;

THENCE N70°17'06"E, continuing with the south right-of-way of said S.H. 75, for a distance of 95.23 feet to its intersection with the east line of said 515 acre tract, same being the apparent northwest corner of a called 5.51 acre tract as described in a Deed from E. A. Heaton to Carol Joe Heaton, dated February 19, 1966 and recorded in Volume 198, Page 501, Deed Records, set a 5/8" iron rod with a plastic cap for the northeast corner of the herein described tract, from which a 5" square concrete monument, found for the northeast corner of said 515 acre tract, bears N02°32'37"W- 551.88 feet;

THENCE S02°32'37"E, with the east line of said 515 acre tract and the called west line of said Heaton tract, at 660.0 pass the apparent southwest corner of said Heaton tract, continuing for a total distance of 2649.68 feet to its intersection with the northeast right-of-way of Interstate Highway No. 45, as described in "Tract No. 1 (called 55.13 acres)" in a Right of Way Deed from the Texas Prison Board to the Texas State Highway Commission, dated July 19, 1957 and recorded in Volume 158, Page 177, Deed Records, set a 5/8" iron rod with a plastic cap at a fence corner post for the southeast corner of the herein described tract, from said iron rod a 5" square concrete monument, found for the southeast corner of said 515 acre tract, bears S02°32'37"E- 2574.60 feet;

THENCE, with the northeast lines of said I.H. 45, as presently monumented, the following calls:

- 1). N47°43'50"W- 1972.52 feet to a found TxDOT concrete monument;
- 2). N49°39'48"W- 259.16 feet to a found TxDOT concrete monument;
- 3). N51°28'15"W- 258.69 feet to a found TxDOT concrete monument;
- 4). N53°43'57"W- 250.31 feet to a found TxDOT concrete monument;

and 5). N55°10'12"W, at 356.2 feet pass a point in a creek for the south corner of a

right-of-way easement (called 2.744 acres) from the Texas Board of Criminal Justice to the Texas Transportation Commission, dated January 6, 2000 and recorded in Volume 412, Page 149, Official Records, continuing for a total distance of 404.59 feet to a 5/8" iron rod, with a plastic cap, set for the southwest corner of the herein described tract;

THENCE N29°54'57"E, crossing said right-of-way easement, at 28.58 feet pass a northeasterly line of said easement, same being the south corner of a called 10.01 acre tract, out of said 515 acre tract, as described in a Deed from the County of Walker to the Texas Prison Museum, dated July 16, 2001 and recorded in Volume 466, Page 755, Official Records, continuing with the southeast line of said 10.01 acre tract, at 171.32 feet pass a point for the west corner of a sanitary sewer, drainage and road easement (called 0.455 acre) as described in a Deed from the Texas Board of Criminal Justice to the County of Walker, dated May 7, 2004 and recorded in Volume 634, Page 550, Official Records, continuing with the common line of said 10.01 acre and 0.455 acre tracts, for a total distance of 501.32 feet to the southwest corner of said County of Walker 5.00 acre tract (Veteran's Complex), same being the northwest corner of said 0.455 acre tract found a 5/8" iron rod with a plastic cap;

THENCE N06°51'03"E, with the east line of said 5.00 acre tract, for a distance of 375.56 feet to the PLACE OF BEGINNING.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

right-of-way easement (called 2.744 acres) from the Texas Board of Criminal Justice to the Texas Transportation Commission, dated January 6, 2000 and recorded in Volume 412, Page 149, Official Records, continuing for a total distance of 404.59 feet to a 5/8" iron rod, with a plastic cap, set for the southwest corner of the herein described tract;

THENCE N29°54'57"E, crossing said right-of-way easement, at 28.58 feet pass a northeasterly line of said easement, same being the south corner of a called 10.01 acre tract, out of said 515 acre tract, as described in a Deed from the County of Walker to the Texas Prison Museum, dated July 16, 2001 and recorded in Volume 466, Page 755, Official Records, continuing with the southeast line of said 10.01 acre tract, at 171.32 feet pass a point for the west corner of a sanitary sewer, drainage and road easement (called 0.455 acre) as described in a Deed from the Texas Board of Criminal Justice to the County of Walker, dated May 7, 2004 and recorded in Volume 634, Page 550, Official Records, continuing with the common line of said 10.01 acre and 0.455 acre tracts, for a total distance of 501.32 feet to the southwest corner of said County of Walker 5.00 acre tract (Veteran's Complex), same being the northwest corner of said 0.455 acre tract, found a 5/8" iron rod with a plastic cap;

THENCE S83°08'48"E, with the south line of said 5.00 acre tract (Veteran's Complex), for a distance of 659.91 feet to its southeast corner, set a 5/8" iron rod at a fence corner post;

THENCE N06°51'03"E, with the east line of said 5.00 acre tract, for a distance of 375.56 feet to the PLACE OF BEGINNING.

SECTION 2. Same as introduced version.