

BILL ANALYSIS

C.S.H.B. 1617
By: Paddie
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that the First United Pentecostal Church in Center, Texas, is located on land near a Department of Public Safety (DPS) office and that the church wishes to enter into a land swap with DPS in order to grow its campus. The parties report that DPS is receptive to the idea and some have suggested that the proposed new location for the DPS office is more convenient and accessible. C.S.H.B. 1617 seeks to authorize this property exchange.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1617 authorizes the Department of Public Safety (DPS) to convey certain real property described by the bill that is held by DPS and situated in Shelby County to the First United Pentecostal Church in Center, Texas, in exchange for the church's conveyance to DPS of certain other real property described by the bill that is situated in Shelby County. The bill prohibits DPS from making the conveyance unless the fair market value of the real property conveyed to DPS is equal to or greater than the fair market value of the real property conveyed to the church. The bill requires the fair market value of the properties to be established by an independent appraisal obtained by the asset management division of the General Land Office (GLO).

C.S.H.B. 1617 establishes that the state reserves its interest in and right to remove oil, gas, and other minerals in and under the real property to be conveyed by DPS and reserves its right to grant a lease held by the state before a conveyance of the property relating to the removal of oil, gas, and other minerals in and under the property. The bill requires DPS and the church to each reimburse the GLO for an amount equal to one-half of the fees and expenses incurred by the GLO in connection with each conveyance of real property under the bill's provisions. The bill makes certain provisions of the Natural Resources Code relating to real estate transactions involving real property owned or purchased by the state inapplicable to the exchange of real property authorized by the bill.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1617 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. (a) Subject to Subsections (b) and (c) of this section, the Department of Public Safety of the State of Texas may convey the real property described by Section 2 of this Act to the First United Pentecostal Church, Center, Texas, in exchange for the real property described by Section 3 of this Act conveyed by the First United Pentecostal Church to the Department of Public Safety of the State of Texas.

(b) The real property described by Section 2 of this Act may not be conveyed by the Department of Public Safety of the State of Texas to the First United Pentecostal Church unless the fair market value of the real property described by Section 3 of this Act is equal to or greater than the fair market value of the real property described by Section 2 of this Act. The fair market value of the real property must be established by an independent appraisal obtained by the asset management division of the General Land Office.

(c) In connection with the conveyance of the real property described by Section 2 of this Act, the state shall reserve:

(1) the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act;

(2) the state's right to remove from the real property described by Section 2 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state's right to grant a lease held by the state before a conveyance of the real property described by Section 2 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. (a) Subject to Subsections (b) and (c) of this section, the Department of Public Safety of the State of Texas may convey the real property described by Section 2 of this Act to the First United Pentecostal Church, Center, Texas, in exchange for the real property described by Section 3 of this Act conveyed by the First United Pentecostal Church to the Department of Public Safety of the State of Texas.

(b) The real property described by Section 2 of this Act may not be conveyed by the Department of Public Safety of the State of Texas to the First United Pentecostal Church unless the fair market value of the real property described by Section 3 of this Act is equal to or greater than the fair market value of the real property described by Section 2 of this Act. The fair market value of the real property must be established by an independent appraisal obtained by the asset management division of the General Land Office.

(c) In connection with the conveyance of the real property described by Section 2 of this Act, the state shall reserve:

(1) the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act;

(2) the state's right to remove from the real property described by Section 2 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state's right to grant a lease held by the state before a conveyance of the real property described by Section 2 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(d) The Department of Public Safety of the State of Texas and the First United Pentecostal Church, Center, Texas, shall each reimburse the General Land Office for an amount equal to one-half of the fees and expenses incurred by the General Land

(d) Sections 31.1571, 31.158, and 31.159, Natural Resources Code, do not apply to the exchange of real property authorized by this Act.

Office in connection with each conveyance of real property under this Act.

(e) Sections 31.1571, 31.158, and 31.159, Natural Resources Code, do not apply to the exchange of real property authorized by this Act.

SECTION 2. The real property held by the Department of Public Safety of the State of Texas is land being situated in Shelby County, Texas, and more particularly described as follows:

BEING 3.167 acres of land, more or less, out of the J. AMASON Survey, Abstract No. 10, in Shelby County, Texas, and also being a portion of and the same tract as described in a deed to the State of Texas acting through the State Highway Commission from Dr. J. M. Rogers and wife Cora M. Rogers, dated April 19, 1950, recorded in Volume 292, Page 513, Deed Records of Shelby County, Texas; said 3.167 acres of land, more or less, is more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a junction of the East right of way line of the new location of U. S. Highway 96 and the line between the tract herein conveyed and a tract owned by L. F. Holder. Said junction being N 74 deg. 16 min. E, 61.00 feet from Centerline Station 2481+39 of said U. S. Highway 96;

THENCE N 74 deg. 16 min. E, along said Holder line, 226.60 feet to a point for a corner, said point being the Northwest corner of Mrs. Katheryn Walker's 2 acre tract;

THENCE S 13 deg. 02 min. E, along the West boundary line of Mrs. Katheryn Walker and of the Stalling place 446.00 feet to a point for a corner, said point being the Southwest corner of the Stalling place;

THENCE S 18 deg. 44 min. W, 175.00 feet along fence to a point for corner;

THENCE S 07 deg. 33 min. W, 81.00 feet along fence to a point for a corner on Ewell Samford's North boundary line;

THENCE N 68 deg. 03 min. W, 154.99 feet along said Samford's North line, to a point for a corner on the East right of way line of said U. S. Highway 96, said point

SECTION 2. Same as introduced version.

being S 68 deg. 03 min. E, 75.00 feet from Centerline Station 2476+18 of said highway;
THENCE N 10 deg. 54 min. W, 571.5 feet along the East right of way line of said Highway to the place of beginning.
Said tract containing 3.167 acres of land.

SECTION 3. The real property held by the First United Pentecostal Church is:

All that certain tract of land situated in Shelby County, Texas, in the JESSE AMASON SURVEY, A-10, being all that land conveyed from B. H. McCoy & wife, Archie Myrl McCoy to First United Pentecostal Church in Center, Texas, Inc. and recorded in Volume 561 Page 745 of the Deed Records of Shelby County, Texas, and being more particularly described as follows.

Note: in the following description

Bearings refer to Grid North of the Texas Coordinate System of 1983 (Central Zone 4203).

BEGINNING at a 5/8" Iron Rod set with cap stamped "FSE ENGINEERING CENTER, TX" from which a Concrete Right-of-Way marker bears S 28° 16' 09" E a distance of 466.04 feet, said 5/8" Iron Rod also being the southwest corner of this property;

THENCE N 14° 21' 20" W with east right-of-way of U.S. Highway 96 a distance of 400.00 feet to a 5/8" Iron Rod set with cap stamped "FSE ENGINEERING CENTER, TX";

THENCE N 71° 36' 30" E with the south line of the SECOND TRACT conveyed to Lowell C. Hufferd and recorded in Volume 948 Page 608 of the Official Public Records of Shelby County, Texas, at 308.20 feet pass a 5/8" Iron Rod set for reference with cap stamped "FSE ENGINEERING CENTER, TX" and at a total distance of 324.18 feet to a point for corner in the centerline of County Road 2205;

THENCE S 19° 29' 22" E with the centerline of County Road 2205 a distance of 300.00 feet to a point for corner from which a 5/8" Iron Rod set for reference with cap stamped "FSE ENGINEERING CENTER, TX" bears S 56° 08' 40" W a distance of 30.29 feet;

SECTION 3. Same as introduced version.

THENCE S 56° 08' 40" W with the north line of a called 0.41 acre tract conveyed to Harold Bennet and recorded in Volume 1080 Page 103 of the Official Public Records of Shelby County, Texas, and the north line of a called 3.5108 acre tract conveyed to Thomas Howard and recorded in Volume 800 Page 652 of the Real Property Records of Shelby County, Texas, a distance of 371.53 feet to the Point of Beginning being 2.724 acres more or less.

SECTION 4. 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, 2015.

SECTION 4. Same as introduced version.