

BILL ANALYSIS

C.S.H.B. 2547
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the existence of Owens Road as a prison road and the only east-west connector between rapidly developing areas in Fort Bend County. Recent sales of prison property, along with the development of previously sold state property, have increased the pressure on this road to be used by the public for connections from residential developments to schools on the opposite side of the prison units. For many years, the parties note, school buses have used the road to transport students across the prison grounds, while stopping at the residential units within the prison property to pick up students. These parties contend that the dedication of the road as a public road will facilitate safe travel to and from schools and developments, improve county mobility, and assist in addressing economic development activities within one of Texas' fastest growing areas. C.S.H.B. 2547 seeks to provide for such a dedication.

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. 2547 requires the Texas Board of Criminal Justice, not later than December 31, 2015, to donate and transfer certain real property to Fort Bend County and identifies the two tracts of land that constitute the property. The bill authorizes the county to use the transferred property only for a public road and electric or gas utility right-of-way and establishes that ownership of the property automatically reverts to the Texas Department of Criminal Justice (TDCJ) if the county uses the property for any other purpose. The bill requires the Texas Board of Criminal Justice to transfer the property by an appropriate instrument of transfer and requires the instrument to describe the property to be transferred by metes and bounds and to provide the following: that the county may use the property only for a public road and electric or gas utility right-of-way; that ownership of the property will automatically revert to TDCJ if the county uses the property for any other purpose; that if a relocation of utility infrastructure, defined by the bill as any facility owned by an electric or gas utility, located within the property is requested, the relocation costs are paid by the requesting party; and that the property is subject to an easement created for all existing utility infrastructure located within the property. The bill requires TDCJ to retain custody of the instrument of transfer after the instrument is filed in the real property records of the county.

C.S.H.B. 2547 requires Fort Bend County to identify and convert TDCJ electric or gas utilities

located along and within the existing roadway to public utilities of the county as necessary without disruption in service or cost to TDCJ, to identify and preserve all existing access locations to TDCJ properties and facilities, and to grant all easements to TDCJ as necessary and without reservation to maintain utility infrastructure retained by TDCJ.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2547 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1.

SECTION 1. (a) In this Act:

- (1) "Utility" means:
 - (A) an electric utility, as defined by Section 31.002, Utilities Code; or
 - (B) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code.
- (2) "Utility infrastructure" means any facility owned by a utility.

(a) Not later than December 31, 2015, the Texas Department of Criminal Justice shall donate and transfer to Fort Bend County the real property described by Subsection (e) of this section.

(b) Not later than December 31, 2015, the Texas Board of Criminal Justice shall donate and transfer to Fort Bend County the real property described by Subsection (i) of this section.

(b) Fort Bend County may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Fort Bend County uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically reverts to the Texas Department of Criminal Justice.

(c) Fort Bend County may use the property transferred under this Act only for a public road and utility right-of-way. If Fort Bend County uses the property for any purpose other than a public road and utility right-of-way, ownership of the property automatically reverts to the Texas Department of Criminal Justice.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(d) The Texas Board of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

- (1) provide that:
 - (A) Fort Bend County may use the property only for a purpose that benefits the public interest of the state; and
 - (B) ownership of the property will automatically revert to the Texas Department of Criminal Justice if Fort Bend County uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision; and

- (1) provide that:
 - (A) Fort Bend County may use the property only for a public road and utility right-of-way;
 - (B) ownership of the property will automatically revert to the Texas Department of Criminal Justice if Fort Bend County uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision;

(2) describe the property to be transferred by metes and bounds.

(d) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Fort Bend County.

No equivalent provision.

No equivalent provision.

No equivalent provision.

(e) Sets out the description of the real property referred to in this section.

SECTION 2. This Act takes effect September 1, 2015.

(C) if a relocation of utility infrastructure located within the property is requested, the relocation costs are paid by the requesting party; and

(D) the property is subject to an easement created for all existing utility infrastructure located within the property; and

(2) describe the property to be transferred by metes and bounds.

(e) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Fort Bend County.

(f) Fort Bend County shall identify and convert Texas Department of Criminal Justice utilities located along and within the existing roadway to public utilities of the county as necessary without disruption in service or cost to the Texas Department of Criminal Justice.

(g) Fort Bend County shall identify and preserve all existing access locations to Texas Department of Criminal Justice properties and facilities.

(h) Fort Bend County shall grant all easements, without reservation, to the Texas Department of Criminal Justice as necessary to maintain utility infrastructure retained by the Texas Department of Criminal Justice.

(i) Sets out a different description of the real property referred to in this section.

SECTION 2. Same as introduced version.