

BILL ANALYSIS

C.S.H.B. 3402
By: Bonnen, Dennis
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have reported potential conflicts with federal requirements regarding state property used for the construction of a reservoir to ensure an uninterrupted supply of freshwater to areas of certain counties, such as Brazoria County. C.S.H.B. 3402 seeks to address any such conflict by requiring the sale of applicable property for flood mitigation purposes and to satisfy federal requirements for the construction of such a reservoir.

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. 3402 requires the Texas Board of Criminal Justice, not later than June 30, 2018, to sell real property described by the bill if the board receives a bid for the fair market value of the property. The bill provides the manner in which the board is required to sell the property and in which the General Land Office is required to negotiate and close a transaction involving the real property on behalf of the board. The bill requires the sale to exclude the mineral interests in and under the property and requires the deed to contain a provision expressly reserving the state's interest in and right to remove all oil, gas, and other minerals in and under the real property.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3402 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) Not later than June 30, 2018, the Texas Board of Criminal Justice shall sell the real property described by

HOUSE COMMITTEE SUBSTITUTE

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Subsection (d) of this section if the board receives a bid of at least \$740,000 for the property.

(b) The Texas Board of Criminal Justice shall sell the property as provided by Section 496.0021, Government Code. The General Land Office shall negotiate and close a transaction involving the real property described by this section on behalf of the board using the procedures under Section 31.158, Natural Resources Code. The sale shall exclude the mineral interests in and under the property, and the deed shall contain a provision expressly reserving the state's interest in and right to remove all oil, gas, and other minerals in and under the real property described by Subsection (d) of this section.

(c) In this section, "proposed reservoir tract" means the 2,200 acres sold in Brazoria County by the Texas Board of Criminal Justice in 2011.

(d) The Texas Board of Criminal Justice shall sell the real property described as follows:

Approximately 22 acres, more or less, along the un-named tributary to Oyster Creek within the 2,682 acre tract or parcel of land conveyed to the Prison Commission of the State of Texas as recorded in Book 145, Page 307 of the Deed Records Brazoria County, Texas lying within the Stephen F. Austin League No 8, Abstract 25 in Brazoria County, Texas near the City of Angleton, Texas. The approximate boundaries of the 22 acres are: starting at the confluence of the un-named tributary to Oyster Creek and the Oyster Creek channel which is located approximately 673 feet north of the proposed reservoir tract, extending north approximately 3,660 feet along the un-named tributary to Oyster Creek and extending east and west of the centerline of said tributary approximately 130 feet;

And, approximately 274 acres along Oyster Creek, more or less, being part of the 2,682 acre tract or parcel of land conveyed to the Prison Commission of the State of Texas as recorded in Book 145, Page 307 of the Deed Records of Brazoria County, Texas lying within the Stephen F. Austin League No. 8, Abstract 25; and the Stephen Richardson League, abstract 122; and the William Harris League, abstract 71 in Brazoria

Subsection (d) of this section if the board receives a bid for the fair market value of the property.

(b) The Texas Board of Criminal Justice shall sell the property as provided by Section 496.0021, Government Code. The General Land Office shall negotiate and close a transaction involving the real property described by this section on behalf of the board using the procedures under Section 31.158, Natural Resources Code. The sale shall exclude the mineral interests in and under the property, and the deed shall contain a provision expressly reserving the state's interest in and right to remove all oil, gas, and other minerals in and under the real property described by Subsection (d) of this section.

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And, approximately 274 acres along Oyster Creek, more or less, being part of the 2,682 acre tract or parcel of land conveyed to the Prison Commission of the State of Texas as recorded in Book 145, Page 307 of the Deed Records of Brazoria County, Texas lying within the Stephen F. Austin League No. 8, Abstract 25; and the Stephen Richardson League, abstract 122; and the William Harris League, abstract 71 in Brazoria

County, Texas near the City of Angleton, Texas. The approximate boundaries of the 274 acres are: from the confluence of the un-named tributary to Oyster Creek and the Oyster Creek channel, located approximately 673 feet north of the northeast corner of the proposed reservoir tract to the northeast corner of the proposed reservoir tract and extending east and west of the centerline of the Oyster Creek Channel approximately 220 feet; from the northeast corner of the proposed reservoir tract to the intersection of the center line of Oyster Creek with the eastern boundary of the old railroad grade road, lands that extend from approximately 220 feet east of the center line of Oyster Creek, westward and southward to the proposed reservoir tract; land extending south and westward from the intersection of centerline of Oyster Creek and the eastern boundary of the old railroad Grade road, south through points defined by latitude and longitude coordinates:

Latitude: 29.260925°, Longitude: - 95.527633°;

Latitude: 29.260682°, Longitude: - 95.526219°;

Latitude: 29.259672°, Longitude: - 95.525333°;

Latitude: 29.259409°, Longitude: - 95.523467°;

Latitude: 29.259481°, Longitude: - 95.521911°;

Latitude: 29.259356°, Longitude: - 95.521045°; and

Latitude: 29.258961°, Longitude: - 95.520931° with the southern boundary being formed by the southern limits of contiguous land conveyed to the Prison Commission of the State of Texas.

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, 2017.

County, Texas near the City of Angleton, Texas. The approximate boundaries of the 274 acres are: from the confluence of the un-named tributary to Oyster Creek and the Oyster Creek channel, located approximately 673 feet north of the northeast corner of the proposed reservoir tract to the northeast corner of the proposed reservoir tract and extending east and west of the centerline of the Oyster Creek Channel approximately 220 feet; from the northeast corner of the proposed reservoir tract to the intersection of the center line of Oyster Creek with the eastern boundary of the old railroad grade road, lands that extend from approximately 220 feet east of the center line of Oyster Creek, westward and southward to the proposed reservoir tract; land extending south and westward from the intersection of centerline of Oyster Creek and the eastern boundary of the old railroad Grade road, south through points defined by latitude and longitude coordinates:

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SECTION 2. Same as introduced version.