

BILL ANALYSIS

Senate Research Center
81R10965 PMO-F

H.B. 4438
By: Kolkhorst (Ogden)
Natural Resources
5/22/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1988, the Texas Forest Service (TFS) and the Texas Department of Criminal Justice (TDCJ) entered into a 20-year lease agreement for 2.536 acres of land in the City of Huntsville to be used by TFS as the location for a regional office. TFS and TDCJ agreed to nominal consideration as payment for the lease.

Due to statutory changes requiring TDCJ to lease property for fair market value, a lease renewal would require a substantial increase in lease payments, thus making the lease financially unfeasible for TFS. TDCJ has agreed to transfer the property to TFS for its continued use as the location for the regional TFS office. Transfer of the property from TDCJ must be approved by the Texas Legislature.

H.B. 4438 amends current law relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Texas Forest Service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires the Texas Department of Criminal Justice (TDCJ), not later than the 30th day after the effective date of this Act, to transfer to the Texas Forest Service (TFS) the real property described by Subsection (e) of this section.

(b) Requires TFS to use the property transferred under this Act only for a purpose that benefits the public interest of the state. Provides that if TFS uses the property for any purpose other than a purpose that benefits the public interest of the state, ownership of the property automatically reverts to TDCJ.

(c) Requires TDCJ to transfer the property by an appropriate instrument of transfer. Requires the transfer to:

(1) provide that TFS use the property only for a purpose that benefits the public interest of the state and ownership of the property will automatically revert to TDCJ if TFS uses the property for any purpose other than a purpose that benefits the public interest of the state; and

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

(d) requires TDCJ to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Walker County.

(e) Sets forth the boundaries of the real property referred to in this section.

SECTION 2. Effective date: upon passage or September 1, 2009.