

BILL ANALYSIS

Senate Research Center
84R20437 LEH-D

H.B. 2547
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Criminal Justice
5/11/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 2547 seeks to provide for such a dedication.

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.

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.

H.B. 2547 amends current law relating to the transfer of certain state property from the Texas Department of Criminal Justice to Fort Bend County.

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) Defines "utility" and "utility infrastructure" in this Act.

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

(c) Authorizes Fort Bend County to use the property transferred under this Act only for a public road and utility right-of-way. Provides that 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 TDCJ.

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

(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 TDCJ if Fort Bend County uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision;

(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) Requires TDCJ to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Fort Bend County.

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

(g) Requires Fort Bend County to identify and preserve all existing access locations to TDCJ properties and facilities.

(h) Requires Fort Bend County to grant all easements, without reservation, to TDCJ as necessary to maintain utility infrastructure retained by TDCJ.

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

SECTION 2. Effective date: September 1, 2015.