

BILL ANALYSIS

Senate Research Center
85R16482 AJA-F

H.B. 3402
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Criminal Justice (TDCJ) currently possesses a tract of land adjacent to an unnamed tributary of Oyster Creek in Brazoria County. In order to ensure that a recently-constructed water reservoir meets flood mitigation requirements, the bank of the body of water requires fortification.

H.B. 3402 instructs TDCJ to sell the tract of land if it receives a bid at fair market value by June 30, 2018. The General Land Office would negotiate the bid and close the transaction with the company that constructed the reservoir. The State of Texas would retain mineral rights for all minerals in and under the tract of land.

H.B. 3402 amends current law relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

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 Board of Criminal Justice (TBCJ), not later than June 30, 2018, to sell the real property described by Subsection (d) of this section if TBCJ receives a bid for the fair market value of the property.

(b) Requires TBCJ to sell the property as provided by Section 496.0021 (Sale of Department Real Property), Government Code. Requires the General Land Office to negotiate and close a transaction involving the real property described by this section on behalf of TBCJ using the procedures under Section 31.158 (Real Estate Transactions Authorized by Legislature), Natural Resources Code. Requires the sale to exclude the mineral interests in and under the property, and 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 described by Subsection (d) of this section.

(c) Defines "proposed reservoir tract."

(d) Sets forth the boundaries of the real property to be sold by TBCJ.

SECTION 2. Effective date: upon passage or September 1, 2017.