

BILL ANALYSIS

Senate Research Center

S.B. 1652
By: Duncan
Criminal Justice
8/12/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1992, Mitchell County (county) conveyed five tracts of property totaling over 798 acres to the Texas Department of Criminal Justice (TDCJ). Of the property conveyed, tract one (221.72 acres) is used for agricultural production and tract two (513.14 acres) encompasses the Wallace Unit.

S.B. 1652 allows TDCJ to transfer the land in tract one back to the county. S.B. 1652 requires that the land be used by the county in a way that benefits the public interest of the state, or the property automatically reverts to TDCJ. S.B. 1652 requires that any transaction fees resulting from such a transfer of property be paid by the 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) Requires the Texas Department of Criminal Justice (TDCJ), not later than the 30th day after the effective date of this Act, to transfer to Mitchell County (county) the real property described by Subsection (e) of this section.

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

(c) Requires TDCJ to transfer the property by an appropriate instrument of transfer. Requires that the instrument of transfer provide that the county use the property only for a purpose that benefits the public interest of the state and that ownership of the property will automatically revert to TDCJ if the county uses the property for any purpose other than a purpose that benefits the public interest of the state, and 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 the county.

(e) Describes the real property referred to in this section.

(f) Requires Mitchell County to pay any fees resulting from the transfer of property under this Act.

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