

BILL ANALYSIS

Senate Research Center
78R10876 PAM-D

C.S.S.B. 982
By: Whitmire
Criminal Justice
4/2/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

The Texas Department of Public Safety (DPS) owned a tract of land generally located at 10110 Northwest Freeway in Houston, Texas. DPS permitted the city to install city radio antenna and communication equipment on the tower. In 1999, DPS conveyed the property on which the tower is located to the Texas Department of Criminal Justice (TDCJ), which has no need for the communications tower, but needs the rest of the property. TDCJ is willing to convey the tower site to the city so the city can keep its communications equipment for that quadrant in place. DPS is willing to grant the city access and utility easements across DPS property adjacent to the tower. C.S.S.B. 982 authorizes DPS and TDCJ to grant the necessary easements and fee title to the tower site to the City of Houston, Texas.

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) and the Department of Public Safety of the State of Texas (DPS), before November 1, 2003, to transfer to the City of Houston, for consideration to which the parties mutually agree, their respective interests in the real property described by Subsection (d) of this section, including any improvements affixed to the property.

(b) Authorizes consideration for the transfer authorized by Subsection (a) of this section to be in the form of an agreement between the parties that requires the City of Houston to use the property for a purpose that benefits the public interest of the state. Authorizes the City of Houston to use the property transferred under this Act only for a purpose that benefits the public interest of the state and provides that ownership of the property automatically reverts to TDCJ and the easements granted by DPS and TDCJ automatically terminate if the City of Houston no longer uses the property for a purpose that benefits the public interest of the state, if consideration for the transfer is in the form of an agreement described by this subsection.

(c) Requires TDCJ and DPS to transfer certain ownership and easement interests in the property described by Subsection (d) of this section by an appropriate instrument of transfer. Requires the instrument of transfer, if the consideration for the transfer is in the form of an agreement described by Subsection (b) of this section, to include a certain provision.

(d) Provides that the real property to which Subsections (a) and (c) of this section refer is described as a certain Fee Simple Tract.

SECTION 2. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from original in relating clause by providing that the Act relates to the granting of certain

state easements.

Differs from original in SECTION 1 by providing that the easements granted by the Texas Department of Public Safety of the State of Texas (DPS) and the Texas Department of Criminal Justice (TDCJ) automatically terminate if the City of Houston no longer uses the property for a purpose that benefits the public interest of the state. Requires DPS and TDCJ to transfer ownership and easement interests in the property described by Subsection (d). Requires the instrument of transfer to include a provision that the easements granted by DPS and TDCJ automatically terminate if the City Houston no longer uses the property for a purpose that benefits the public interest of the state. Describes the exact coordinates and area of the real property to which Subsections (a) and (c) refer.