

BILL ANALYSIS

Senate Research Center
84R18582 PMO-D

H.B. 1617
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The First United Pentecostal Church in Center, Texas, is located on land near a Department of Public Safety of the State of Texas (DPS) office and wishes to enter into a land swap with DPS in order to grow its campus. DPS is receptive to the idea and some have suggested that the proposed new location for the DPS office is more convenient and accessible. H.B. 1617 seeks to authorize this property exchange.

H.B. 1617 authorizes the DPS to convey certain real property described by the bill that is held by DPS and situated in Shelby County to the First United Pentecostal Church in Center, Texas, in exchange for the church's conveyance to DPS of certain other real property described by the bill that is situated in Shelby County. The bill prohibits DPS from making the conveyance unless the fair market value of the real property conveyed to DPS is equal to or greater than the fair market value of the real property conveyed to the church. The bill requires the fair market value of the properties to be established by an independent appraisal obtained by the asset management division of the Texas General Land Office (GLO).

H.B. 1617 establishes that the state reserves its interest in and right to remove oil, gas, and other minerals in and under the real property to be conveyed by DPS and reserves its right to grant a lease held by the state before a conveyance of the property relating to the removal of oil, gas, and other minerals in and under the property. The bill requires DPS and the church to each reimburse the GLO for an amount equal to one-half of the fees and expenses incurred by the GLO in connection with each conveyance of real property under the bill's provisions. The bill makes certain provisions of the Natural Resources Code relating to real estate transactions involving real property owned or purchased by the state inapplicable to the exchange of real property authorized by the bill.

H.B. 1617 amends current law relating to authorizing certain real property transactions involving the Department of Public Safety of the State of 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) Authorizes the Department of Public Safety of the State of Texas (DPS), subject to Subsections (b) and (c) of this section, to convey the real property described by Section 2 of this Act to the First United Pentecostal Church, Center, Texas, in exchange for the real property described by Section 3 of this Act conveyed by the First United Pentecostal Church to DPS.

(b) Prohibits the real property described by Section 2 of this Act from being conveyed by DPS to the First United Pentecostal Church unless the fair market value of the real property described by Section 3 of this Act is equal to or greater than the fair market value of the real property described by Section 2 of this Act. Requires that the fair market value of the real property be established by an independent appraisal obtained by the asset management division of the Texas General Land Office (GLO).

(c) Requires the state, in connection with the conveyance of the real property described by Section 2 of this Act, to reserve:

(1) the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act;

(2) the state's right to remove from the real property described by Section 2 of this Act any oil, gas, and other minerals in and under the real property; and

(3) the state's right to grant a lease held by the state before a conveyance of the real property described by Section 2 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(d) Requires DPS and the First United Pentecostal Church, Center, Texas, to each reimburse GLO for an amount equal to one-half of the fees and expenses incurred by GLO in connection with each conveyance of real property under this Act.

(e) Provides that Sections 31.1571 (Governor's Report), 31.158 (Real Estate Transactions Authorized by Legislature), and 31.159 (First Option to Purchase), Natural Resources Code, do not apply to the exchange of real property authorized by this Act.

SECTION 2. Provides that the real property held by the DPS is land being situated in Shelby County, Texas, and more particularly described as follows, and sets forth the territory.

SECTION 3. Sets forth the real property held by the First United Pentecostal Church.

SECTION 4. Effective date: upon passage or September 1, 2015.