

BILL ANALYSIS

S.B. 2054
By: Birdwell
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since the closure of the Texas Juvenile Justice Department (TJJD) facility in Corsicana (the Corsicana Residential Treatment Center), concerns have been raised about the maintenance, management, and long-term preservation of a cemetery adjoining the property. This cemetery inters many of the former residents of the youth home/orphanage for which the facility was used in the late 19th century and the majority of the 20th century, prior to its use as a youth lockup under TJJD.

Concerned parties—specifically the State Orphans Home Alumni Association (SOHAA)—have expressed a desire to take over and care for this small piece of property. TJJD currently has ownership and purview over this cemetery, and they are supportive of turning the property over to the aforementioned alumni group.

S.B. 2054 turns over this small piece of property to SOHAA “only for a purpose that benefits the public interest of the state by preserving and maintaining the property as a cemetery to commemorate the former residents of the Corsicana State Home, formerly known as the State Orphans Home, who are buried there.”

Furthermore, S.B. 2054 provides that “if the State Orphans Home Alumni Association uses the property for any purpose other than a purpose described [above], ownership of the property automatically transfers to the State of Texas.”

As proposed, S.B. 2054 amends current law relating to the transfer of certain state property from the Texas Juvenile Justice Department to the State Orphans Home Alumni Association.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. (a) Defines "State Orphans Home Alumni Association."

(b) Requires the Texas Juvenile Justice Department (TJJD) to donate and transfer to the State Orphans Home Alumni Association (SOHAA) the real property described by Subsection (f) of this section, not later than January 1, 2016.

(c) Authorizes SOHAA to use the real property transferred under this Act only for a purpose that benefits the public interest of the state by preserving and maintaining the property as a cemetery to commemorate the former residents of the Corsicana State Home, formerly known as the State Orphans Home, who are buried there. Provides that if SOHAA uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically transfers to the State of Texas.

(d) Requires TJJD to transfer the real property by an appropriate instrument of transfer. Requires the instrument of transfer to:

(1) provide that:

(A) SOHAA may use the property only for a purpose that benefits the public interest of the state by preserving and maintaining the property as a cemetery to commemorate the former residents of the Corsicana State Home, formerly known as the State Orphans Home, who are buried there; and

(B) ownership of the property will automatically transfer to the State of Texas if SOHAA uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision; and

(2) describe the property to be transferred by metes and bounds.

(e) Requires the General Land Office to retain custody of the instrument of transfer after the instrument of transfer is filed for recording in the real property records of Navarro County.

(f) Provides that the real property referred to in this section is described as follows. Sets forth the description of the real property.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.