

BILL ANALYSIS

S.B. 638
By: Nichols
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note the existence of certain property owned by the Texas Department of Transportation that is currently not being utilized and for which there are no plans for expansion or future usage. These parties call for the transfer of the property to the Shepherd Independent School District so that the property may be used for a purpose that benefits the public interest of the state. S.B. 638 seeks to provide for this transfer.

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

S.B. 638 requires the Texas Department of Transportation (TxDOT), not later than September 30, 2015, to transfer the real property described by the bill to the Shepherd Independent School District. The bill limits use of the transferred property by the school district to a purpose that benefits the public interest of the state. The bill requires the school district, if the school district uses the property for any other purpose, to pay to TxDOT an amount equal to the fair market value of the property on the date the school district begins using the property for that other purpose, less the amount paid by the school district to reimburse TxDOT for TxDOT's actual costs to acquire the property. The bill requires the school district to pay an amount to reimburse TxDOT for such acquisition costs on the effective date of the property transfer and requires the reimbursement amount, if TxDOT cannot determine the amount, to be determined based on the average historical property acquisition values for property located in proximity to the transferred property on the date of original acquisition of the property by TxDOT. The bill requires money received by TxDOT from the school district for reimbursement of such acquisition costs to be deposited in the state highway fund and used in the TxDOT district in which the property is located.

S.B. 638 requires TxDOT to transfer the property by an appropriate instrument of transfer that provides that the school district may use the transferred property only for a purpose that benefits the public interest of the state or, if the school district uses the property for any other purpose, the school district shall pay TxDOT the amount specified by the bill. The bill requires the instrument of transfer to retain for the state a certain tower site and access easement to the tower site and to describe the property to be transferred by metes and bounds. The bill requires TxDOT to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of San Jacinto County. The bill requires the school district to pay any

transaction fees resulting from the transfer of property.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.