

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bonnen

H.B. No. 3202

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to authorizing the transfer of certain real property held  
3 by the Texas Department of Criminal Justice.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. AUTHORIZATION FOR TRANSFER. (a) Not later than  
6 January 1, 2010, the Texas Department of Criminal Justice shall  
7 transfer to Brazoria County the real property specified in Section  
8 2 of this Act.

9 (b) Consideration for the transfer authorized by Subsection  
10 (a) of this section shall be in the form of an agreement between the  
11 parties that requires Brazoria County to use the property in a  
12 manner that primarily promotes a public purpose that benefits the  
13 public interest of the state.

14 (c) If Brazoria County fails to use the property in the  
15 manner described by an agreement under Subsection (b) of this  
16 section for more than 180 continuous days, ownership of the  
17 property automatically reverts to the Texas Department of Criminal  
18 Justice.

19 (d) The Texas Department of Criminal Justice shall transfer  
20 the property to Brazoria County by an appropriate instrument of  
21 transfer. The instrument of transfer must include a provision  
22 that:

23 (1) requires Brazoria County to use the property in a  
24 manner that primarily promotes a public purpose that benefits the

1 public interest of the state; and

2 (2) indicates that ownership of the property  
3 automatically reverts to the Texas Department of Criminal Justice  
4 if Brazoria County no longer uses the property in a manner that  
5 primarily promotes a public purpose that benefits the public  
6 interest of the state.

7 SECTION 2. PROPERTY DESCRIPTION. The Texas Department of  
8 Criminal Justice property to be transferred as provided by Section  
9 1 of this Act consists of approximately 332 acres, more or less,  
10 being part of that 7,424.4 tract or parcel of land conveyed to the  
11 Prison Commission of the State of Texas as recorded in Book 145,  
12 Page 242 of the Deed Records Brazoria County, Texas, said 332 acres,  
13 more or less, being out of the Jared E. Groce grant in Brazoria  
14 County, Texas, near Angleton, Texas, bounded by the Brazoria County  
15 Airport property to the West and State Highway 288 to the East, the  
16 northern boundary being the northern boundary of the said 7,424.4  
17 tract or parcel of land, the southern boundary being the northern  
18 boundary of a tract or parcel of land conveyed to RH Retrieve, Ltd.  
19 as recorded as Document # 2007018866 in the Official Public Records  
20 of Brazoria County, Texas.

21 SECTION 3. EFFECTIVE DATE. This Act takes effect September  
22 1, 2009.

**ADOPTED**

MAY 26 2009

*Atty Gen*  
Secretary of the Senate. 3202

By: *Jackson*

Substitute the following for H.B. No. 3202:

By: *[Signature]*

C.S. H.B. No. 3202

A BILL TO BE ENTITLED

AN ACT

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2 relating to authorizing the transfer of certain real property held  
3 by the Texas Department of Criminal Justice.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. AUTHORIZATION FOR TRANSFER. (a) Not later than  
6 January 1, 2010, the Texas Department of Criminal Justice shall  
7 transfer to Brazoria County the real property specified in Section  
8 2 of this Act.

9 (b) Consideration for the transfer authorized by Subsection  
10 (a) of this section shall be in the form of an agreement between the  
11 parties that requires Brazoria County to use the property in a  
12 manner that primarily promotes a public purpose that benefits the  
13 public interest of the state.

14 (c) If Brazoria County fails to use the property in the  
15 manner described by an agreement under Subsection (b) of this  
16 section for more than 180 continuous days, ownership of the  
17 property automatically reverts to the Texas Department of Criminal  
18 Justice.

19 (d) The Texas Department of Criminal Justice shall transfer  
20 the property to Brazoria County by an appropriate instrument of  
21 transfer. The instrument of transfer must include:

22 (1) a provision that:

23 (A) requires Brazoria County to use the property  
24 in a manner that primarily promotes a public purpose that benefits

1 the public interest of the state; and

2 (B) indicates that ownership of the property  
3 automatically reverts to the Texas Department of Criminal Justice  
4 if Brazoria County no longer uses the property in a manner that  
5 primarily promotes a public purpose that benefits the public  
6 interest of the state; and

7 (2) a provision that:

8 (A) excludes from the transfer all mineral  
9 interests in and under the property; and

10 (B) prohibits any exploration, drilling, or  
11 other similar intrusion on the property related to mineral  
12 interests.

13 SECTION 2. PROPERTY DESCRIPTION. The Texas Department of  
14 Criminal Justice property to be transferred as provided by Section  
15 1 of this Act consists of approximately 332 acres, more or less,  
16 being part of that 7,424.4 tract or parcel of land conveyed to the  
17 Prison Commission of the State of Texas as recorded in Book 145,  
18 Page 242 of the Deed Records Brazoria County, Texas, said 332 acres,  
19 more or less, being out of the Jared E. Groce grant in Brazoria  
20 County, Texas, near Angleton, Texas, bounded by the Brazoria County  
21 Airport property to the West and State Highway 288 to the East, the  
22 northern boundary being the northern boundary of the said 7,424.4  
23 tract or parcel of land, the southern boundary being the northern  
24 boundary of a tract or parcel of land conveyed to RH Retrieve, Ltd.  
25 as recorded as Document # 2007018866 in the Official Public Records  
26 of Brazoria County, Texas.

27 SECTION 3. AUTHORIZATION FOR TRANSFER. (a) Not later than

1 October 31, 2010, the Texas Department of Criminal Justice shall  
2 transfer to the City of Houston the real property specified in  
3 Section 4 of this Act, including any improvements affixed to the  
4 property.

5 (b) Consideration for the transfer authorized by Subsection  
6 (a) of this section shall be in the form of an agreement between the  
7 parties that requires the City of Houston to use the property in a  
8 manner that primarily promotes a public purpose that benefits the  
9 public interest of the state.

10 (c) If the City of Houston fails to use the property in the  
11 manner described by an agreement under Subsection (b) of this  
12 section for more than 180 continuous days, ownership of the  
13 property automatically reverts to the Texas Department of Criminal  
14 Justice.

15 (d) The Texas Department of Criminal Justice shall transfer  
16 the property to the City of Houston by an appropriate instrument of  
17 transfer. The instrument of transfer must include:

18 (1) a provision that:

19 (A) requires the City of Houston to use the  
20 property in a manner that primarily promotes a public purpose that  
21 benefits the public interest of the state; and

22 (B) indicates that ownership of the property  
23 automatically reverts to the Texas Department of Criminal Justice  
24 if the City of Houston no longer uses the property in a manner that  
25 primarily promotes a public purpose that benefits the public  
26 interest of the state; and

27 (2) a provision that:

1 (A) excludes from the transfer all mineral  
2 interests in and under the property; and

3 (B) prohibits any exploration, drilling, or  
4 other similar intrusion on the property related to mineral  
5 interests.

6 SECTION 4. PROPERTY DESCRIPTION. The Texas Department of  
7 Criminal Justice property to be transferred as provided by Section  
8 3 of this Act is described as follows:

9 Being a tract or parcel containing 0.0204 acre (888 square  
10 feet) of land situated in the H. Reinerman Survey, Abstract Number  
11 644, City of Houston, Harris County, Texas, being out of and a part  
12 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a  
13 subdivision of record in Volume 144, Page 79, Harris County Map  
14 Records (H.C.M.R.), out of and a part of Tract 2, Block 2 of  
15 BROOKHOLLOW/HOUSTON, SECTION TWO, a subdivision of record in Volume  
16 148, Page 33, H.C.M.R., and being out of and a part of a called  
17 197,847 square foot tract conveyed to the State of Texas Department  
18 of Public Safety (State of Texas) by deed recorded under Harris  
19 County Clerks File (H.C.C.F.) Number C580248, said 0.0204 acre  
20 tract being more particularly described as follows (bearings are  
21 oriented to the bearing base reflected in the record plat of said  
22 BROOKHOLLOW/HOUSTON, SECTION ONE):

23 BEGINNING at a mag nail found marking the easterly corner of a  
24 called 0.0650 acre tract conveyed to the City of Houston by deed  
25 recorded under H.C.C.F. Number X311063, said nail marking the  
26 northerly corner of the herein described tract;

27 THENCE, South 44°54'53" East, over and across said 197,847

1 square foot tract, a distance of 17.50 feet to a PK Nail set marking  
2 the easterly corner of the herein described tract

3       THENCE, South 45°05'07" West, over and across said 197,847  
4 square foot tract, a distance of 50.75 feet to a PK Nail set marking  
5 the southerly corner of the herein described tract;

6       THENCE, North 44°54'53" West, over and across said 197,847  
7 square foot tract, a distance of 17.50 feet to a Mag Nail found  
8 marking the southerly corner of said 0.0650 acre tract and marking  
9 the westerly corner of the herein described tract;

10       THENCE, North 45°05'07" East, along the southeasterly line of  
11 said 0.0650 acre tract, a distance of 50.75 feet to the POINT OF  
12 BEGINNING and containing 0.204 acre (888 square feet) of land.

13       SECTION 5. EFFECTIVE DATE.       This Act takes effect  
14 immediately if it receives a vote of two-thirds of all the members  
15 elected to each house, as provided by Section 39, Article III, Texas  
16 Constitution. If this Act does not receive the vote necessary for  
17 immediate effect, this Act takes effect September 1, 2009.





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would allow the Texas Department of Criminal Justice (TDCJ) to donate and transfer approximately 332 acres of land to Brazoria County. The land must be used by Brazoria County in a manner that primarily promotes a public purpose that benefits the public interest of the state, or the property automatically reverts to TDCJ. The bill would also allow an additional land transfer of approximately 888 square feet to the City of Houston, with similar provisions for the purpose of the land, as the transfer of land in Brazoria County.

The bill excludes from the transfer all mineral interests in and under the property and prohibits any exploration, drilling, or other similar intrusion on the property related to mineral interests.

The Texas Department of Criminal Justice has determined that the cost of implementing the provisions of the bill would not be significant.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, SZ, GG, SDO, ESi, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would allow the Texas Department of Criminal Justice (TDCJ) to donate and transfer approximately 332 acres of land to Brazoria County. The land must be used by Brazoria County in a manner that primarily promotes a public purpose that benefits the public interest of the state, or the property automatically reverts to TDCJ. The bill would also allow an additional land transfer of approximately 888 square feet to the City of Houston, with similar provisions for the purpose of the land, as the transfer of land in Brazoria County.

The bill excludes from the transfer all mineral interests in and under the property and prohibits any exploration, drilling, or other similar intrusion on the property related to mineral interests.

The Texas Department of Criminal Justice has determined that the cost of implementing the provisions of the bill would not be significant.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, SZ, GG, SDO, ESi, TP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would allow the Texas Department of Criminal Justice (TDCJ) to donate and transfer approximately 332 acres of land to Brazoria County. The land must be used by Brazoria County in a manner that primarily promotes a public purpose that benefits the public interest of the state, or the property automatically reverts to TDCJ. The Texas Department of Criminal Justice has determined that the cost of implementing the provisions of the bill would not be significant.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would allow the Texas Department of Criminal Justice (TDCJ) to donate and transfer approximately 332 acres of land to Brazoria County. The land must be used by Brazoria County in a manner that primarily promotes a public purpose that benefits the public interest of the state, or the property automatically reverts to TDCJ. The Texas Department of Criminal Justice has determined that the cost of implementing the provisions of the bill would not be significant.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, WK, GG, TP





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice. ), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, LM, TMP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3202** by Bonnen (Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, LM, TMP

