

1-1 By: Alvarado S.B. No. 818
 1-2 (In the Senate - Filed February 9, 2023; March 1, 2023, read
 1-3 first time and referred to Committee on Transportation;
 1-4 March 22, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the disposition of real property interests by
 1-20 navigation districts and port authorities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 60.038, Water Code, is
 1-23 amended to read as follows:

1-24 Sec. 60.038. DISPOSITION [SALE OR LEASE] OF INTERESTS IN
 1-25 REAL PROPERTY [LAND].

1-26 SECTION 2. Section 60.038, Water Code, is amended by
 1-27 amending Subsections (a), (b), and (c) and adding Subsections (e),
 1-28 (f), and (g) to read as follows:

1-29 (a) A district may sell, exchange, or lease real property or
 1-30 any interest in real property [all or any part of land] owned by it,
 1-31 whether the real property was [land is] acquired by gift or
 1-32 purchase, in settlement of any litigation, controversy, or claim in
 1-33 behalf of the district, or in any other manner, except that lands or
 1-34 flats heretofore purchased from the State of Texas under former
 1-35 Article 8225, Revised Civil Statutes of Texas, 1925, or granted by
 1-36 the State of Texas in any general or special act, may be sold only to
 1-37 the State of Texas or exchanged with the State of Texas for other
 1-38 lands or exchanged for adjacent littoral land as authorized by
 1-39 Section 61.117 [of this code]. The district may impose
 1-40 restrictions on the development, use, and transfer of any real
 1-41 property or interest in real property in connection with its sale or
 1-42 exchange under this section.

1-43 (b) Except as provided by Subsection (e), before [Before] a
 1-44 district may sell or exchange real property [land], the commission
 1-45 shall determine by resolution that the real property [land] is no
 1-46 longer needed for use by the district in connection with the
 1-47 development of a navigation project.

1-48 (c) Except as provided by Subsection (e), (f), or (g), a
 1-49 sale [Sale] or exchange [lease] of real property [land] shall be
 1-50 made as provided by Sections 60.040, 60.041, and 60.042
 1-51 [60.039-60.042 of this code].

1-52 (e) A district may donate, exchange, convey, sell, or lease
 1-53 land, improvements, easements, or any other interests in real
 1-54 property to an electric utility, as that term is defined by Section
 1-55 31.002, Utilities Code, or a telecommunications utility, as that
 1-56 term is defined by Section 51.002, Utilities Code, to promote a
 1-57 public purpose related to the development of the district. The
 1-58 district shall determine the terms and conditions of the
 1-59 transaction so as to:

- 1-60 (1) achieve the public purpose; and
- 1-61 (2) be consistent with the requirements of Title 2,

2-1 Utilities Code.

2-2 (f) A district may donate, exchange, convey, sell, or lease
2-3 a real property interest under Subsection (e) for less than its fair
2-4 market value and without complying with the notice and bidding
2-5 requirements of Sections 60.040, 60.041, and 60.042.

2-6 (g) Narrow strips of real property resulting from boundary
2-7 or surveying conflicts or similar causes, or from insubstantial
2-8 encroachments by abutting real property owners, or real property of
2-9 larger configuration that has been subject to encroachments by
2-10 abutting real property owners for more than 25 years may be
2-11 abandoned, released, exchanged, or transferred to such abutting
2-12 owners on terms and conditions considered appropriate or
2-13 advantageous to the district. A district may convey real property
2-14 under this subsection for less than its fair market value and
2-15 without complying with the notice and bidding requirements of
2-16 Sections 60.040, 60.041, and 60.042.

2-17 SECTION 3. This Act takes effect immediately if it receives
2-18 a vote of two-thirds of all the members elected to each house, as
2-19 provided by Section 39, Article III, Texas Constitution. If this
2-20 Act does not receive the vote necessary for immediate effect, this
2-21 Act takes effect September 1, 2023.

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