

1-1 By: Menendez, Corte (Senate Sponsor - Madla) H.B. No. 655
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on
1-4 Administration; May 9, 2003, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 9, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the sale of property by a defense base development
1-9 authority.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 272.001(b), Local Government Code, is
1-12 amended to read as follows:

1-13 (b) The notice and bidding requirements of Subsection (a) do
1-14 not apply to the types of land and real property interests described
1-15 by this subsection and owned by a political subdivision. The land
1-16 and those interests described by this subsection may not be
1-17 conveyed, sold, or exchanged for less than the fair market value of
1-18 the land or interest unless the conveyance, sale, or exchange is
1-19 with one or more abutting property owners who own the underlying fee
1-20 simple. The fair market value is determined by an appraisal
1-21 obtained by the political subdivision that owns the land or
1-22 interest or, in the case of land or an interest owned by a home-rule
1-23 municipality, the fair market value may be determined by the price
1-24 obtained by the municipality at a public auction for which notice to
1-25 the general public is published in the manner described by
1-26 Subsection (a). The notice of the auction must include, instead of
1-27 the content required by Subsection (a), a description of the land,
1-28 including its location, the date, time, and location of the
1-29 auction, and the procedures to be followed at the auction. The
1-30 appraisal or public auction price is conclusive of the fair market
1-31 value of the land or interest, regardless of any contrary provision
1-32 of a home-rule charter. This subsection applies to:

1-33 (1) narrow strips of land, or land that because of its
1-34 shape, lack of access to public roads, or small area cannot be used
1-35 independently under its current zoning or under applicable
1-36 subdivision or other development control ordinances;

1-37 (2) streets or alleys, owned in fee or used by
1-38 easement;

1-39 (3) land or a real property interest originally
1-40 acquired for streets, rights-of-way, or easements that the
1-41 political subdivision chooses to exchange for other land to be used
1-42 for streets, rights-of-way, easements, or other public purposes,
1-43 including transactions partly for cash;

1-44 (4) land that the political subdivision wants to have
1-45 developed by contract with an independent foundation;

1-46 (5) a real property interest conveyed to a
1-47 governmental entity that has the power of eminent domain; ~~or~~

1-48 (6) a municipality's land that is located in a
1-49 reinvestment zone designated as provided by law and that the
1-50 municipality desires to have developed under a project plan adopted
1-51 by the municipality for the zone; or

1-52 (7) a property interest owned by a defense base
1-53 development authority established under Chapter 378, Local
1-54 Government Code, as added by Chapter 1221, Acts of the 76th
1-55 Legislature, Regular Session, 1999.

1-56 SECTION 2. This Act takes effect immediately if it receives
1-57 a vote of two-thirds of all the members elected to each house, as
1-58 provided by Section 39, Article III, Texas Constitution. If this
1-59 Act does not receive the vote necessary for immediate effect, this
1-60 Act takes effect September 1, 2003.

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