

1-1 By: Madla S.B. No. 720  
1-2 (In the Senate - Filed February 26, 2003; March 3, 2003,  
1-3 read first time and referred to Committee on Veteran Affairs and  
1-4 Military Installations; April 7, 2003, reported favorably by the  
1-5 following vote: Yeas 4, Nays 0; April 7, 2003, sent to printer.)

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

1-8 relating to the sale by defense base development authorities of  
1-9 property located in an enterprise zone.

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

1-11 SECTION 1. Subsection (b), Section 272.001, Local  
1-12 Government Code, is 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:

1-53 (A) owned by an authority established under  
1-54 Chapter 378, as added by Chapter 1221, Acts of the 76th Legislature,  
1-55 Regular Session, 1999; and

1-56 (B) located in an enterprise zone established  
1-57 under Chapter 2303, Government Code.

1-58 SECTION 2. This Act takes effect immediately if it receives  
1-59 a vote of two-thirds of all the members elected to each house, as  
1-60 provided by Section 39, Article III, Texas Constitution. If this  
1-61 Act does not receive the vote necessary for immediate effect, this  
1-62 Act takes effect September 1, 2003.

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