

BILL ANALYSIS

Senate Research Center
79R18651 MTB-D

H.B. 3333
By: Chavez (Madla)
Intergovernmental Relations
5/20/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Section 202.021, Transportation Code, regulates the sale or transfer of real property that was acquired for highway purposes, but is no longer needed. The priority of transfers or sale of property must be given to a governmental entity with the authority to condemn the property before offering the property to the general public. The Transportation Commission is also required to offer the property to abutting or adjoining landowners before offering it to the general public. Under Section 202.023, Transportation Code, the sale of property to the general public is required to be made through a competitive sealed bid process.

H.B. 3333 requires the Texas Transportation Commission to give priority for a property sale or transfer to a federally recognized Indian tribe whose reservation is located on the Texas-Mexico border before offering the property to the general public. The tribe's priority is below that of a governmental entity with the authority to condemn the property, as well as below that of abutting or adjoining landowners in the case of a highway right-of-way.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 202.021(b) and (c), Transportation Code, as follows:

(b) Requires real property to be transferred or sold with certain priorities, including abutting or adjoining landowners, and a federally recognized Indian tribe whose reservation is located within counties of this state bordering the republic of Mexico and that is not subject to the federal Indian Gaming Regulatory Act, except as provided by Subsection (c). Redesignates Subsection (2) as Subsection (3).

(c) Requires a highway right-of-way to be transferred or sold with certain priorities including to a federally recognized Indian tribe whose reservation is located within counties of this state bordering the Republic of Mexico and that is not subject to the federal Indian Gaming Regulatory Act. Redesignates Subsection (3) as Subsection (4).

SECTION 2. Effective date: upon passage or September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1

Amends H.B. 3333 (engrossed version) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 5 and 6), strikes "Sections 202.021(b) and (c), Transportation Code, is".

(2) Inserts in SECTION 1 of the bill, in amended Subsection (b), Section 202.021, Transportation Code (page 1, line 11), between "landowners" and the comma, "of Tract 11, Block 49 of the Ysleta Grant located in El Paso County".

(3) Strikes amended Subsection (c), Section 202.021, Transportation Code (page 1, line 16, through page 2, line 1).

(4) Adds the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS as appropriate:

Sec. 202.034. SALE OR CONVEYANCE OF BRIDGE. (a) Requires the department to sell or convey the part of the Presidio International Bridge owned by this state to the city of Presidio and Presidio County.

(b) Requires a sale or conveyance under this section to comply with all state and federal rules governing the transaction.