

By: Chavez

H.B. No. 3333

A BILL TO BE ENTITLED

AN ACT

relating to the conveyance of property to federally recognized Indian tribes in counties along the Texas-Mexico border.

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

SECTION 1. Section 202.021, Transportation Code, is amended to read as follows:

Sec. 202.021. REAL PROPERTY NO LONGER NEEDED.

(a) The commission may recommend to the governor the sale or transfer of any interest in real property, including a highway right-of-way, that:

(1) was acquired for a highway purpose; and

(2) as determined by the commission, is no longer needed for a state highway purpose.

(b) Except as provided by Subsection (c), real property shall be transferred or sold with the following properties:

(1) to a governmental entity with the authority to condemn the property; or

(2) to a federally recognized Indian tribe whose reservation is along the Texas-Mexico border; or

(3) to the general public.

(c) A highway right-of-way shall be transferred or sold with the following priorities:

(1) to a governmental entity with the authority to condemn the property;

1 (2) to abutting or adjoining landowners; or

2 (3) to a federally recognized Indian tribe whose  
3 reservation is along the Texas-Mexico border; or

4 (4) to the general public.

5 (d) The commission shall:

6 (1) determine the fair value of the state's interest in  
7 the real property; and

8 (2) if the value is \$10,000 or more, advise the  
9 governor of the value.

10 (e) The commission may waive payment for real property  
11 transferred to a governmental entity under this section if the  
12 estimated cost of future maintenance on the property equals or  
13 exceeds the fair value of the property.

14 (f) Any revenue from the sale of property under this  
15 subchapter shall be deposited to the credit of the state highway  
16 fund.

17 (g) The governor may execute a deed conveying the state's  
18 interest in the property.

19 (h) If the commission determines that value of the real  
20 property is less than \$10,000, it may authorize the executive  
21 director to execute a deed conveying the state's interest in the  
22 property without a recommendation to the governor.

23 SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2005.