

## **BILL ANALYSIS**

H.B. 680  
By: Swinford  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 253.001 (b) of the Texas Local Government Code states that a municipality may not sell park land unless it is approved by the voters at an election. However, Section 253.001 has been amended by Section 253.001 (e), 253.001 (f) and 253.001 (g) which allowed home-rule municipalities to sell park land without voter approval under limited circumstances. House Bill No. 680 allows a home-rule municipality to sell a small part of a park without voter approval. The proceeds of the sale will still be used for the improvement of park property. This Act allows a home-rule municipality to sell a small tract of park property without incurring the costs of an election.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

### **SECTION-BY-SECTION ANALYSIS**

SECTION 1. Amends Section 253.001 (g) of the Texas Local Government Code to provide that the sale of this park property is exempt from notice and bidding requirements of Chapter 272 of the Texas Local Government Code.

Amends Section 253.001 of the Texas Local Government Code by adding Subsections (j) and (k), as follows:

(j) Subsection (b) does not apply to a conveyance of park land that is:

1. Owned by a home-rule municipality with a population of less than 100,000;
2. One-third acre or less;
3. Part of a park that is five acres or less; and
4. Sold or conveyed as a sale to the owner of adjoining property as provided by a resolution or ordinance that has an effective date before December 31, 2007.

(k) A petition for the judicial review of the sale of park land under Subsection (j) must be filed on or before the 30th day after the date the ordinance or resolution is adopted. A petition filed after the period prescribed by this subsection is barred.

SECTION 2. This Act takes effect September 1, 2007 or immediately if it receives a vote of two-thirds of a all the member elected to each house, as a provided by Section 39, Article III, Texas Constitution.

### **EFFECTIVE DATE**

Effective date upon passage or September 1, 2007.