

BILL ANALYSIS

C.S.H.B. 3860
By: Orr
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The statute that is being amended allows political subdivisions to convey property to other political subdivisions that have eminent domain authority. Emergency Services Districts are political subdivisions that do not have eminent domain authority. In many instances Emergency Services Districts seeking to locate fire stations and other facilities have been prevented from working with other political subdivisions because they would be required to compete with private interests as part of the notice and bid procedure currently mandated for sale of property to entities without the power of eminent domain by the statute.

C.S.H.B. 3860 will allow Emergency Services Districts to work in cooperation with other political subdivisions to locate these essential public facilities. This amendment does not affect the requirement that the purchase be made for fair market value.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 3860 adds ESDs operating under Article III, Section 48-e of the Texas Constitution to the existing list of entities to which political subdivisions may convey, sell, or exchange property or property interests through a modified process rather than the standard notice and bid methodology.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Substitute is a Legislative Council draft. It also contains a statutory cleanup from the council to correct an inaccurate reference to a code number.