

By: Orr

H.B. No. 3860

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of Emergency Service Districts to receive
3 property from other political subdivisions without complying with
4 notice and bidding requirements for exchange and sale of land.

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

6 SECTION 1. Section 272.001(b), Local Government Code, is
7 amended to read as follows:

8 (b) The notice and bidding requirements of Subsection (a) do
9 not apply to the types of land and real property interests described
10 by this subsection and owned by a political subdivision. The land
11 and those interests described by this subsection may not be
12 conveyed, sold, or exchanged for less than the fair market value of
13 the land or interest unless the conveyance, sale, or exchange is
14 with one or more abutting property owners who own the underlying fee
15 simple. The fair market value is determined by an appraisal
16 obtained by the political subdivision that owns the land or
17 interest or, in the case of land or an interest owned by a home-rule
18 municipality, the fair market value may be determined by the price
19 obtained by the municipality at a public auction for which notice to
20 the general public is published in the manner described by
21 Subsection (a). The notice of the auction must include, instead of
22 the content required by Subsection (a), a description of the land,
23 including its location, the date, time, and location of the
24 auction, and the procedures to be followed at the auction. The

1 appraisal or public auction price is conclusive of the fair market
2 value of the land or interest, regardless of any contrary provision
3 of a home-rule charter. This subsection applies to:

4 (1) narrow strips of land, or land that because of its
5 shape, lack of access to public roads, or small area cannot be used
6 independently under its current zoning or under applicable
7 subdivision or other development control ordinances;

8 (2) streets or alleys, owned in fee or used by
9 easement;

10 (3) land or a real property interest originally
11 acquired for streets, rights-of-way, or easements that the
12 political subdivision chooses to exchange for other land to be used
13 for streets, rights-of-way, easements, or other public purposes,
14 including transactions partly for cash;

15 (4) land that the political subdivision wants to have
16 developed by contract with an independent foundation;

17 (5) a real property interest conveyed to a
18 governmental entity located in this state that has the power of
19 eminent domain;

20 (6) a municipality's land that is located in a
21 reinvestment zone designated as provided by law and that the
22 municipality desires to have developed under a project plan adopted
23 by the municipality for the zone; ~~[or]~~

24 (7) a property interest owned by a defense base
25 development authority established under Chapter 378, Local
26 Government Code, as added by Chapter 1221, Acts of the 76th
27 Legislature, Regular Session, 1999~~[+]~~ ; or

1 (8) a real property interest conveyed to an emergency
2 services district created or operating under Article III, Section
3 48-e of the Texas Constitution.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.