

1-1 By: Hegar, Huffman S.B. No. 1149
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 25, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 March 25, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1149 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authorizing the Texas Board of Criminal Justice to sell
1-11 certain real property for municipal airport expansion.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 496.0021, Government Code, is amended by
1-14 adding Subsections (c), (d), (e), and (f) to read as follows:

1-15 (c) The board shall authorize the sale of land directly to a
1-16 municipality at fair market value without the requirement of a
1-17 sealed bid sale if:

1-18 (1) the municipality seeking to acquire the land
1-19 notifies the department in writing of the municipality's desire to
1-20 acquire the land for municipal airport expansion;

1-21 (2) the land is located next to an active runway of a
1-22 municipally owned airport;

1-23 (3) the municipality is acquiring the land to expand
1-24 municipal airport facilities or supporting commercial operations
1-25 for the airport; and

1-26 (4) the department primarily uses the land for guard
1-27 housing.

1-28 (d) After receiving the notice required by Subsection (c),
1-29 the board shall:

1-30 (1) obtain an appraisal of the land to be sold to the
1-31 municipality;

1-32 (2) request that the municipality provide the board
1-33 with an appraisal of the land to be sold; and

1-34 (3) determine whether a third appraisal by an
1-35 appraiser mutually selected by the department and municipality is
1-36 necessary to determine fair market value of the land to be sold.

1-37 (e) Within 18 months of receiving the notice required by
1-38 Subsection (c), the board shall finalize the sale of the land to the
1-39 municipality at fair market value.

1-40 (f) In determining the fair market value of land to be sold
1-41 under Subsection (c), the department shall consider the necessary
1-42 remediation that must be completed before the land can be used for
1-43 airport expansion. If a third appraisal is required under
1-44 Subsection (d), the fair market value is considered to be the
1-45 average of the three appraisals required under this section.

1-46 SECTION 2. This Act takes effect immediately if it receives
1-47 a vote of two-thirds of all the members elected to each house, as
1-48 provided by Section 39, Article III, Texas Constitution. If this
1-49 Act does not receive the vote necessary for immediate effect, this
1-50 Act takes effect September 1, 2009.

1-51 * * * * *