

BILL ANALYSIS

C.S.H.B. 2018
By: Villarreal
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There currently are several exceptions to the statutory requirement that municipalities obtain voter approval before selling land owned, held, or claimed as a public square or park. C.S.H.B. 2018 seeks to create another exception for the sale of land used for a world exposition, such as the land in San Antonio's HemisFair Park.

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. 2018 amends the Local Government Code to exempt the sale of a public square or park from the requirement for voter approval of such a sale at an election if the land was part of the site of a world exposition recognized by the Bureau International des Expositions and has a total area of dedicated public square or park of 20 acres or more. The bill requires a petition for judicial review of such a sale to be filed on or before the 180th day after the date the ordinance or resolution authorizing the sale is adopted and bars a petition filed after that date.

C.S.H.B. 2018 prohibits such land, if it is sold by a municipality or local government corporation without an election as authorized under the bill's provisions, from being used to develop and construct a hotel and prohibits other land that the municipality or local government corporation owns that was part of the site of a world exposition recognized by the bureau from being sold, leased, or otherwise used to develop and construct a hotel. The bill exempts from these prohibitions land owned by an institution of higher education on January 1, 2013.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2018 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 253, Local Government Code, is amended by adding Section 253.0011 to read as follows:
Sec. 253.0011. SALE OF LAND USED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 253.001, Local Government Code, is amended by adding Subsections (m) and (n) to read as follows:

FOR WORLD EXPOSITION.

(a) Section 253.001(b) does not apply to the sale or lease of a public square or park if:

(1) the land was part of the site of a world exposition recognized by the Bureau International des Expositions;

(2) the land will not be used to develop and construct a hotel; and

(3) the property described in Subdivision (1) has a total area of dedicated public square or park that is equal to or greater than 20 acres.

SECTION 1. (Continued)

(b) If a municipality sells or leases land or has sold or leased land under Section 253.0011 of this chapter, the development and construction of a hotel after January 1, 2013 is prohibited on land that was part of the site of a world exposition recognized by the Bureau International des Expositions.

(c) If a municipality sells or leases land or has sold or leased land under Section 253.0011 of this chapter and acquires from the federal government or an institution of higher education land that was part of the site of a world exposition recognized by the Bureau International des Expositions, development and construction of a hotel on the acquired land is prohibited.

(d) A petition for judicial review of a sale under this section must be filed on or before the 30th day after the date the ordinance or resolution authorizing the sale is adopted. A petition filed after that date is barred.

(m) Subsection (b) does not apply to the sale of a public square or park if the land:

(1) was part of the site of a world exposition recognized by the Bureau International des Expositions; and

(2) has a total area of dedicated public square or park of 20 acres or more.

(n) A petition for judicial review of a sale under Subsection (m) must be filed on or before the 180th day after the date the ordinance or resolution authorizing the sale is adopted. A petition filed after that date is barred.

SECTION 2. Chapter 253, Local Government Code, is amended by adding Section 253.0011 to read as follows:

Sec. 253.0011. SALE OR LEASE OF LAND USED FOR WORLD EXPOSITION RESTRICTED.

(a) If a municipality or local government corporation sells land as authorized by Section 253.001(m):

(1) the land may not be used to develop and construct a hotel; and

(2) other land that the municipality or local government corporation owns that was part of the site of a world exposition recognized by the Bureau International des Expositions may not be sold, leased, or otherwise used to develop and construct a hotel.

(b) Subsection (a) does not apply to land owned by an institution of higher education on January 1, 2013.

(See Subdivision (n) above.)

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.