

By: Martinez, Guerra

H.B. No. 2646

A BILL TO BE ENTITLED

AN ACT

relating to real property acquired by advance acquisition for a transportation facility.

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

SECTION 1. Section 202.021(b), Transportation Code, is amended to read as follows:

(b) Except as provided by Subsection (c) and Section 202.113(b), real property shall be transferred or sold with the following priorities:

(1) to a governmental entity with the authority to condemn the property; or

(2) to the general public.

SECTION 2. Sections 202.112(a) and (d), Transportation Code, are amended to read as follows:

(a) The commission may acquire real property or an interest in real property or purchase an option to acquire real property for possible use in or in connection with a transportation facility before:

(1) a final decision has been made as to whether the transportation facility will be located on that property; or

(2) environmental clearance has been issued for the transportation facility by the appropriate federal or state authority.

(d) An option to acquire real property purchased under this

1 section [~~or Section 227.041~~] may not expire later than the fifth  
2 anniversary of the date the option was purchased and may be renewed  
3 for subsequent periods that expire not later than the fifth  
4 anniversary of the date the option was renewed, by agreement of the  
5 commission and the grantor of the option or the grantor's heirs or  
6 assigns.

7 SECTION 3. Section 202.113, Transportation Code, is amended  
8 to read as follows:

9 Sec. 202.113. DISPOSAL OF SURPLUS PROPERTY. (a) Except as  
10 provided by Subsection (b), the [The] commission shall dispose of  
11 property acquired by advance acquisition that is not needed for a  
12 transportation facility in the manner provided by Subchapter B.

13 (b) Notwithstanding any other law, the commission first  
14 shall offer property described by Subsection (a) for sale to the  
15 person from whom the commission acquired the property at a price  
16 that is equal to the lesser of:

17 (1) the price the commission paid the person to  
18 acquire the property; or

19 (2) the fair market value of the property at the time  
20 it is offered for sale under this subsection, taking into account  
21 any damage to the property.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2017.